

## **Title 6 ANIMALS**

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Chapter 6.04 - GENERAL REGULATIONS

## **Chapter 6.04 GENERAL REGULATIONS**

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### **6.04.010 Definitions.**

As used in this chapter:

"Animal" means any mammal, bird, reptile, fish, fowl or amphibian, domestic or wild.

"Animal control officer" means any person(s) appointed by the mayor to enforce the provisions of this chapter.

"Animal running at large" means any animal not under the control of its owner or custodian, remaining upon the streets, alleys or public places of the city, or upon any other premises without the consent of the person in possession of such other premises. All animals in public places must be both leashed and under the supervision and control of the owner or custodian, except as set forth in Section 6.04.030.

"Circus" means any variety show which features animal acts.

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"Custodian" means any person having custodial care of an animal, on temporary basis at the request of the owner.

"Impoundment" means taken up by an animal control officer, or other person on whose property an animal, other than his own trespasses, and/or held by the animal control officer; impoundment begins from the moment of capture.

"Noncommercial dog kennel" means an establishment or premises where three or more dogs, over three months of age, are kept or harbored for the hobby of the householder.

"Owner" means any person who owns an animal, or who harbors or keeps an animal within the city limits for five or more consecutive days. The legal responsibility for an animal owned by a person under the age of eighteen (18) shall reside in the heads of the household. The person(s) in whom legal responsibility resides shall cosign the certificate of ownership and license forms.

"Person" means any person, firm, partnership, association, business trust, organization, corporation, company or other entity.

"Veterinarian" means a duly licensed doctor of veterinary medicine.

"Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for the boarding of animals or for the diagnosis and treatment of diseased, injured or well animals.

Vicious Animal. "Vicious animal" means:

1. Any animal which, when unprovoked, in a taunting or terrorizing manner approaches any person in an apparent attitude of attack upon the streets, sidewalks, any public grounds or places, or private property not owned or possessed by the owner of the animal; or
2. Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals; or
3. Any animal which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation; or
4. Any animal owned or harbored primarily or in part for the purpose of fighting, or any animal trained for fighting; or
5. Any dog which has been trained as an attack dog, except dogs used by law enforcement agencies.

Notwithstanding the above definitions of a vicious animal, an animal is not necessarily vicious merely because injury or damage is sustained by a person over the age of eighteen (18) who, at the time of such injury or damage was sustained, was committing a wilful trespass or other tort upon the premises occupied by the owner of the animal, or was teasing, tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime. An animal is not to be considered vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

"Wild animal" or "exotic pet" means any nondomestic animal.

(Ord. 95-190 § 1)

### **6.04.020 Licensing required.**

- A. The owner shall obtain a license and certificate of ownership for every dog owned by him, which has reached the age of three months.
- B. The city council may, by resolution waive the license fees indicated in subsection D of this section for a specified period of time when deemed necessary for the purpose of conducting an animal census. In lieu of said license fee, a lesser registration fee set by the resolution shall apply and shall cover the costs of the animal census.

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- C. The license-granting authorities in the city shall be the animal control officer and the city clerk.
- D. Except to the extent, if any, that the method for setting fees is governed by State Statute in a manner contrary to the ordinance codified in this section, the city council of the city of Inkom may from time to time fix such rates and conditions for users, and may amend from time to time such fees as required by resolution of the city council.

All fees currently established by resolution of city council may be fixed or may be changed from time to time without repeal of the previous resolutions.

A fee schedule of current fees and rates shall be maintained by the city clerk and made available for inspection at the Inkom city office.

- E. Every dog shall at all times wear a substantial durable collar to which shall be securely attached the required license tag. If a tag is lost, the owner may obtain a duplicate tag upon the satisfactory proof of loss, for the fee required by the city.
- F. All licenses shall be valid for a period of one year from January first to December thirty-first. It shall be the responsibility of the owner of each and every dog to obtain a new license annually within thirty (30) days of the expiration date. Licensing under this chapter shall commence and be effective on and after January 1, 1984.
- G. The animal control officer and/or the city clerk shall keep a record of all licenses and certificates of ownership issued under the terms of this chapter, which shall show the name, address and phone number of each owner, the signature of the person in whom legal responsibility resides, the number of the license, the name, sex, breed, age and color of each animal, the date issued and the amount paid therefor.
- H. The owner or custodian of any dog shall neither allow such dog to wear a license tag which has not been lawfully issued by the animal control officer or city clerk, nor allow such dog to wear a rabies vaccination tag which has not been issued by a licensed veterinarian; or a license or rabies vaccination tag which has expired or is calculated to deceive in any way.

(Ord. 95-190 § 2; Ord. 08-231)

### **6.04.030 Running-at-large prohibited.**

- A. An animal owner, or custodian shall be in violation of this subsection if his or her animal is found to be running-at-large, as defined in Section 6.04.010 of this chapter. No animal shall be considered running-at-large if:
  - 1. Such animal is under the complete control of a person holding a leash not exceeding ten (10) feet in length;
  - 2. Such animal is confined in a motor vehicle;
  - 3. Such animal or animals or livestock are being herded under the constant supervision of the owner or his agents or employees.
  - 4. Such animal is a horse and is being ridden or led.
- B. Any animal running-at-large shall be impounded.
- C. Animals Running-at-large on Public Ways, Fee Imposed. The owner of any animal found to be running-at-large on any public right-of-way or public grounds within the city shall be assessed a fee per occurrence to be collected by the animal control officer or city clerk. Said fee shall be independent of any fine which might be assessed by any court having jurisdiction due to misdemeanor prosecution for an animal running-at-large violation.

Except to the extent, if any, that the method for setting fees is governed by State Statute in a manner contrary to the ordinance codified in this section, the city council of the city of Inkom may from time to time

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fix such rates and conditions for users, and may amend from time to time such fees as required by resolution of the city council.

All fees currently established by resolution of city council may be fixed or may be changed from time to time without repeal of the previous resolutions.

A fee schedule of current fees and rates shall be maintained by the city clerk and made available for inspection at the Inkom city office.

(Ord. 95-190 § 3)

### **6.04.040 Animal waste matter.**

No animal owner, or custodian shall permit such animal to deposit solid waste matter on any property other than his or her own. It shall be a defense to this section if the animal owner or custodian immediately removes the solid waste or if the animal is livestock and is being herded or is a horse being ridden or led.

(Ord. 95-190 § 4)

### **6.04.050 Disturbance by animals prohibited.**

- A. No owner or custodian shall permit his or her animal to utter frequent or long-continued noise which disturbs or annoys a reasonable person who lives in close proximity to the location of such animal.
- B. Upon receipt of a complaint signed by one household within close proximity of such animal, whose owner or custodian allows such animal to utter long and continued noise, the animal control officer shall use any legal means available to impound such animal.

(Ord. 95-190 § 5)

### **6.04.060 Vicious animals prohibited.**

- A. No owner or custodian shall keep a vicious animal within the city limits unless such animal is kept within an absolutely secure enclosure. A secure enclosure shall have a roof, a six foot chain link fence, poles embedded in concrete footings extending one foot below ground and a concrete floor or foundation with the chain link embedded three inches into the concrete.
- B. Any person harboring, keeping or owning a vicious animal shall register the animal with the Inkom City police department.
- C. Any person harboring, keeping or owning a vicious animal which has not bitten any person, without provocation, may continue to keep the animal upon posting with the Inkom police department a liability insurance policy specifying not less than one hundred thousand dollars (\$100,000.00) liability for damages caused by the vicious animal and further endorsing the city as party to be notified in the event of cancellation.
- D. Any owner or custodian, whose animal has been reported to have bitten or attacked a human being on one occasion, without provocation, shall be required to give his or her animal up for impoundment and disposal. Failure to comply with this section shall be a misdemeanor and each day of failure to comply shall be separate violations of this section.
- E. Any time the owner or custodian of a vicious animal leaves the owner's or custodian's property the animal shall be restrained with a chain and muzzle.

(Ord. 95-190 § 6)

**6.04.070 Cruelty to animals prohibited.**

- A. No owner or custodian of an animal shall fail to provide his or her animal with good wholesome food and water, proper shelter and protection from the weather, veterinary care to prevent disease and suffering and humane care and treatment sufficient to maintain such animal in good health.
- B. The animal control officer shall use any legal means available to impound an animal whose owner or custodian violates this provision.
- C. No person shall abandon any animal within the city limits of the city of Inkom.

(Ord. 95-190 § 7)

**6.04.080 Maiming, poisoning or cruelty to animals prohibited.**

- A. No person shall wilfully kill, maim or disfigure any animal or administer poison, or cause to be ingested any foreign object to any animal, or expose any animal to any poisonous substance with the intent that it shall be taken by the animal except pests of public health. No person shall wilfully strike or batter any animal in such a manner as to draw blood from the animal, cause it to cry out or damage it to the extent that the animal exhibits physical signs of injury from contact. Violation of this section is declared to be a misdemeanor.
- B. The provisions of this section shall not apply to the animal control officer; or to police officers when they are engaged in carrying out the duties assigned to them by this chapter; or to licensed veterinarians when requested by the owner to dispose of an animal owned by him or her, in which case, such veterinarian must do so by humane method.
- C. No person shall set any trap within the city which is likely to be injurious to dogs, cats or other domestic animals.

(Ord. 95-190 § 8)

**6.04.090 Animal control officer.**

- A. The mayor shall appoint an animal control officer(s) and give such officer(s) the authority of a police officer under the supervision of the mayor, to be responsible for the enforcement of all provisions of this chapter.
- B. No person shall interrupt or hinder the animal control officer in the discharge of his duties.
- C. Whenever a power is granted to, or a duty imposed upon the animal control officer, the power or the duty may be performed by a police officer.

(Ord. 95-190 § 9)

**6.04.100 Impoundment.**

- A. The animal control officer shall use all legal means available to impound any animal, whose owner or custodian has violated any section of this chapter, or who has allowed his or her animal(s) to violate any section of this chapter.

(Ord. 01-214 (part); Ord. 95-190 § 10)

**6.04.110 Impoundment regulations.**

- A. The animal control officer shall provide suitable and adequate food and water for all animals impounded under the provisions of this chapter.
- B. The animal control officer shall keep any animal impounded for a period of time specified by this chapter.
- C. Except as provided by this chapter, the animal control officer shall notify the owner as soon as possible after impoundment, that such animal has been impounded, of the conditions under which such animal may be redeemed, the period of time that the animal will be held and the consequences of failure to redeem them.
- D. The animal control officer shall keep a record of all animals impounded under the provisions of this chapter. Such record shall include a description of the animal, date of impoundment, date of notification of impoundment, method of notification, date of redemption and record of fees paid or date of disposal or adoption.

(Ord. 95-190 § 11)

**6.04.120 Impoundment, redemption and disposal.**

- A. Redemption of an impounded animal shall be made by exhibiting satisfactory proof of ownership and paying the following required fees and charges:
  - 1. Daily Care Fee. There shall be charged a ten dollar per day impound fee, up to a maximum of fifty dollars;
  - 2. License fees, if the animal is unlicensed;
  - 3. Medical fees, if required;
- 4. Disposal fee, as the city council may determine from time to time by resolution.
- B. Any animal not wearing a license tag, or an animal for which the owner or custodian cannot be identified, and which has not been redeemed by its owner or custodian within three days after impoundment began, may be adopted or disposed of by humane method.
- C. A licensed animal, which has not been redeemed by its owner or custodian within three days after notification of impoundment may be adopted or disposed of by humane method.
- D. Neither the city, nor the animal control officer shall sell a live animal to a research facility for use in research, tests or experiments unless the owner requests in writing that his or her animal be sold for such purposes.

(Ord. 99-205: Ord. 95-190 § 12)

**6.04.130 Biting animal, report required.**

- A. When an owner, or custodian of an animal has knowledge that his or her animal has bitten a human being, such owner or custodian shall notify the animal control officer of such bite, the time and circumstances of such bite, and the name and address of the person bitten, if known.
- B. Any person who is bitten by an animal shall notify the animal control officer of such bite, giving a description of the animal, the time and circumstances of the bite and the name and address of the owner, if known.

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- C. When a doctor, veterinarian, hospital employee or other person has information that a person has been bitten by an animal, such person shall notify the animal control officer or an Inkom police officer.

(Ord. 95-190 § 13)

### **6.04.140 Biting and rabid animals, quarantine.**

- A. The animal control officer shall have the authority to impound and quarantine within a licensed veterinary hospital any animal showing symptoms of rabies, for a period of ten days.
- B. Any animal, which has bitten a person, or other animal, so as to break or puncture the skin, and whose owner or custodian can show proof that such animal has a current and valid rabies vaccination, shall be quarantined within a building, or secure enclosure located upon the premises of its owner or custodian, or within a licensed veterinary hospital, for a period of not less than ten days.
- C. Any animal, which has bitten a person, or other animal, so as to break or puncture the skin, and which does not have proof of a current rabies vaccination, shall be impounded and quarantined in a building or a secure enclosure where the animal is unable to bite another person or animal for a period of ten days. If the animal is found outside the impounded area designated by the owner, the animal will be impounded by the animal control officer for the remaining ten-day quarantine period and be subject to Section 6.04.120. Immediately following the ten-day impoundment and quarantine, the animal shall be taken to a licensed veterinarian for examination to confirm the animal does not have rabies and to obtain a rabies vaccination. A copy of such examination and rabies vaccination shall be delivered to the animal control officer and/or city clerk.
- D. No police officer, animal control officer or other person shall kill, or cause to be killed, any animal suspected of being rabid except after the animal has been placed in quarantine, and notification has been made to the public health department for pathological examination and confirmation of diagnosis. The only exception to this shall be if the animal in question is so vicious or wild that it cannot be restrained, and the police officer or animal control officer feels that the future pursuit would result in losing the animal, then the animal can be killed with gunshot not aimed at the head of the animal. After the animal is dead, the head is to be severed from the body and sent to the public health department for examination and diagnosis.

(Ord. 95-190 § 14)

### **6.04.150 Removal of animal carcasses.**

- A. When any animal owned by or in the custodial care of any person, dies in the city, such person shall, within twenty-four (24) hours, provide for the burial, incineration, or other disposition of the body of such dead animal in a safe and sanitary manner.
- B. It shall be the duty of the animal control officer to dispose of any animal found dead in the city and for whom the owner or custodian is neither known nor can be found, by removing said animal for burial or incineration.

(Ord. 95-190 § 15)

### **6.04.160 Noncommercial kennels—Licensing.**

- A. The owner of a noncommercial kennel shall obtain a noncommercial kennel license from the animal control officer or the city clerk according to the terms specified in this chapter.

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- B. The application for a noncommercial kennel license shall include the name and address of the owner and the number of dogs to be kept.
- C. A noncommercial kennel license shall be issued only when the application for such license is accompanied by the written consent to such noncommercial kennel by at least seventy-five percent of all the owners and/or occupants of the premises within three hundred (300) feet of the premises upon which the noncommercial kennel is to be maintained.
- D. In addition to the above requirements, a noncommercial kennel licensee shall pay all individual license fees required in Section 6.04.020.
- E. A noncommercial kennel license shall not be transferable and shall be subject to annual renewal as specified in subsection F of Section 6.04.020.
- F. Whenever an owner desires to make an addition to the number of dogs for which the noncommercial kennel license has been issued, the licensee shall follow the same procedure specified in subsections A, B, C, D and E of this section. Whenever 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.
- G. The owner of a noncommercial kennel shall not be exempt from other provisions of this chapter, including the requirement for individual dog licensing, nor shall any of the provisions of this chapter be deemed to vary or alter any of the zoning regulations of the city.
- H. The holder of any noncommercial kennel license who shall (1) neglect or refuse to comply with the provisions of this chapter or with the conditions under which any license shall be issued, or (2) who shall violate any provisions of this code, or (3) who shall violate any provisions of the animal laws of the state of Idaho shall be subject to having his license suspended or revoked. The animal control officer shall give notice of suspension or revocation to the holder of the noncommercial kennel license, which notice shall set forth specifically the charges or grounds for which the license was suspended and the facts on which such suspension is based; such notice shall be served on the holder of such license. The notice of suspension shall designate the time and place that a hearing will be held before the council. If the council finds that the basis of either the suspension or revocation is substantiated, the license shall be suspended or revoked. If such license is suspended, the license and all evidence thereof shall be surrendered by the holder of such license and shall be held by the clerk until the end of the period of suspension; and in the event that a license issued under this chapter is revoked, the holder shall be ineligible to obtain another noncommercial kennel license for a period of one year from the date of such revocation.
- I. The animal control officer or Inkom police officer may inspect, or cause to be inspected, commercial and noncommercial kennel facilities or which licenses under this chapter have been issued as often as it may be necessary for the adequate control and supervision of such facilities. The animal control officer shall have the right to enter all such facilities at any reasonable time for the purpose of making investigations and inspections and shall be charged with the responsibility of enforcing and administering the provisions of this chapter.

(Ord. 95-190 § 16)

### **6.04.170 Penalties.**

Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars (\$1,000.00) or be imprisoned for a period not exceeding thirty (30) days or be both so fined and imprisoned. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

(Ord. 95-190 § 18; Ord. 05-223 § 4 (part))