

CHAPTER 3

DOGS

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5-3-1: **DEFINITIONS:** When used in this chapter, unless the context indicates otherwise, the following words and terms shall have the meanings ascribed to them in this section:

- ANIMAL:** Means and includes every vertebrate member of the animal kingdom, except man.
- ANIMAL CONTROL OFFICER:** The person or persons given authority to enforce this chapter by the mayor and council of the city of Driggs.
- AT LARGE:** Off the premises of the owner and not under the control or restraint of the owner, keeper, or custodian of the animal.
- CITY:** That area within the corporate limits of the city of Driggs, Idaho, or the duly constituted authority of the city of Driggs, Idaho, depending on context.

CONTROL:

To direct influence over, to dominate, to regulate, to hold from action, to curb, and/or to govern. A dog shall be deemed to be under control if such dog is in close proximity to its owner, keeper, custodian or another responsible and competent person at all times while off the premises of the owner; and provided, that such dog is not engaged in any action which would classify it as a nuisance under this chapter. In order for a dog to be considered under control for purposes of this chapter, it must be under physical restraint attached to a leash of not more than six feet (6') in length. A dog is not under control if it is running at large or unrestrained in the streets, alleys, or public places, or on the private property of another without permission.

CRUELTY:

Intentional and/or malicious infliction of pain, physical suffering, injury or death upon an animal; to maliciously kill, maim, wound, overdrive, overload, drive when overloaded, overwork, torture, or deprive of necessary sustenance, drink, or shelter; cruelly beat, mutilate or cruelly kill an animal; to subject an animal to needless suffering, inflict unnecessary cruelty; drive, ride or otherwise use an animal when same is unfit; to abandon an animal; to negligently confine an animal in unsanitary conditions or to negligently house an animal in an inadequate facility; to negligently fail to provide sustenance, water, shelter, or veterinary care if such is needed to prevent unnecessary suffering.

DANGEROUS:

A. Any animal which attempts to attack any person or has inflicted injury on a human being without provocation while off its owner's premises or while another person is lawfully on the premises.

B. Any animal which has killed or maimed a domestic animal while off the owner's property, or any animal which, on two (2) separate occasions within a twelve (12) month period of

time, has been running at large and has been impounded for being unrestrained/uncontrolled off its owner's property.

DOG: Means and includes any unaltered or altered male or female dog.

HOUSEHOLD: Any single- or two-family residence, townhouse, trailer house, mobile home, or other single domicile, regardless of the number of residents, renters or occupants residing therein.

HUMANE: To provide proper food, water, sanitation, ventilation, medical attention and shelter from weather as needed.

HUMANELY DISPOSE: To euthanize any animal according to the state of Idaho board of veterinary medicine's current euthanasia rules and/or by a qualified veterinary clinic/hospital or certified euthanasia technician.

INJURY: Any physical injury that results in any breaking of the skin, infection, broken bone or disfiguring laceration.

LICENSE: Means and includes a durable metallic or plastic tag bearing the year of issue, issuing entity, and number corresponding to files kept in the records of the sheltermaster and animal control officer, showing the person to whom such license was issued.

NOISY DOG: Any dog which chronically barks for more than thirty (30) minutes or habitually, constantly or frequently disturbs the sleep, peace or quiet of any neighborhood or person.

NUISANCE: Any noisy dog, any dangerous dog, or any dog engaging in behaviors described in section 5-3-7 of this chapter.

OWNER AND/OR PERSON: Means and includes any individual, firm, corporation, partnership, company, society or association keeping or harboring a dog.

PREMISES: The real property owned or occupied by the owner of a dog.

RESTRAINT: An animal shall be deemed to be under "control" or "restraint", as defined in subsection 5-3-5B of this chapter and/or this section.

SHELTERMASTER: The person or persons appointed to that duty by the Teton Valley Humane Society or the county sheriff. (1985 Code § 6.12.100; amd. 2010 Code)

5-3-2: ENFORCEMENT OFFICIALS:

- A. **Animal Control Officers:** The mayor shall appoint and the city council shall confirm or deny the appointment of one or more animal control officers for purposes of enforcement of this chapter. The term of office of the animal control officer shall extend to such time as the animal control officer voluntarily resigns the position or the mayor rescinds appointment of the individual, subject to confirmation of council. (1985 Code § 6.12.060)
- B. **Sheltermaster:** The sheltermaster shall be the person or persons assigned that position by the Teton Valley Humane Society or the county sheriff. (1985 Code § 6.12.060; amd. 2010 Code)

5-3-3: LICENSE REQUIREMENTS:

- A. **License And Collar Required:** It is unlawful for any person to own, keep, harbor or have custody of any dog over four (4) months of age in the city without having obtained a license. No dog shall be permitted to be at large in the city without a collar and license. All dogs shall be licensed within thirty (30) days of being brought into the city.
- B. **Application For License:**
 1. The owner shall state at the time application is made for a license and upon a printed form provided for such purpose, his or her name and address and the name, breed, color and gender of each dog owned or kept by him or her, whether such dog has been spayed or neutered, and in the case of spayed or neutered dogs, the owner shall submit a certificate from a licensed veterinary surgeon that his

or her dog has been spayed or neutered. Any dog for which no certificate is presented shall be considered a not spayed or not neutered dog, and the license charge shall be at the cost for an unaltered dog.

2. At the time of application for a dog license, the owner must also present certification of vaccination from a licensed veterinarian showing that the dog has been vaccinated with antirabies vaccine within three (3) years preceding the date of license application. When issuing a license pursuant to this section, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

C. Issuance And Term Of License; Renewals:

1. All licenses shall be issued on the date applied therefor and shall be valid through and including December 31 of the same year. Each dog must be relicensed by January 31 of the next year.

2. Upon showing by any applicant for a license that he or she is prepared to comply with the conditions of issuance, a license shall be issued following payment of the applicable fee.

D. License Tag; Records Kept: Upon issuing a license to keep any dog, the animal control officer or sheltermaster shall issue to the applicant a metallic or durable plastic tag, stamped with an identifying number and year of issuance, and so designed that it may conveniently be fastened to the dog collar or harness by the owner and shall be worn at all times when the dog is off the premises of the owner. The animal control officer shall maintain a record of the identifying numbers and shall make the record available to the public.

E. Compliance With Provisions; Revocation Of License; Disposition Of Dogs: Licenses issued in accordance with this section are conditioned upon compliance of the owner with all provisions of this chapter and other applicable state and local laws. Any license may be revoked if the person holding the license refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or keeping of animals. If any person whose license is revoked shall fail to humanely dispose of all dogs being owned, kept or harbored by such person as required in this chapter, such dogs may be taken by the animal control officer and thereafter impounded at the animal shelter.

- F. **Unlicensed, Nonresident Dogs:** Dogs which are the property of nonresident owners and are not residing in the city for more than thirty (30) days, and which have not been properly licensed by another governmental entity, may be taken up and impounded in accordance with the provisions of this chapter. (1985 Code § 6.12.010)

5-3-4: **NUMBER OF DOGS RESTRICTED:** It is unlawful to keep, maintain, harbor or possess upon the premises of any one household more than two (2) dogs. (1985 Code § 6.12.020)

5-3-5: **RUNNING AT LARGE PROHIBITED; RESTRAINT REQUIRED:**

- A. All dogs shall be restrained in such a fashion as not to interfere with pedestrian traffic on any public sidewalk or entrance to any building frequented by the general public.
- B. It is unlawful for any person to allow or permit any dog, whether licensed or not, to be or remain upon the streets or alleys or in any public place in the city or upon any premises without the consent of the person in possession of such premises unless:
1. Such dog is in the charge of a competent and responsible person and controlled by a leash not to exceed six feet (6') in length; or
 2. Such dog is confined in a motor vehicle. (1985 Code § 6.12.020)

5-3-6: **NOISY DOGS:** It is unlawful for any person to own, keep or harbor within the city limits, whether tethered, caged, or otherwise, any noisy dog which, by barking, howling, or yelping, or by the making of any other noise, disturbs the quiet of any neighborhood or person. (1985 Code § 6.12.020)

5-3-7: **NUISANCE DOGS:**

- A. It is unlawful for any person to own, keep or harbor within the city limits any dog which poses a public nuisance by chewing, digging, littering, soiling, destroying or in any other manner injuring clothing,

washing, garbage containers, gardens, flowerbeds, lawns, trees or shrubbery, or any other public or private property, real or personal.

- B. Excessive or continued barking, molesting passersby, chasing motorized or nonmotorized vehicles, habitually attacking other domestic animals, defecating on public or private property when defecation is not removed by the dog's owner, or trespassing upon private property in such a manner as to damage property shall also be deemed a nuisance. (1985 Code § 6.12.020)

5-3-8: **FEMALE DOGS IN HEAT:** It is unlawful for any person to allow or permit any female dog in heat to be off the property of the owner. If any such dog is found in violation of this section, it shall be taken up and impounded and shall not be released except upon approval of the sheltermaster or other designated person after payment of all appropriate fees. (1985 Code § 6.12.020; amd. 2010 Code)

5-3-9: **DANGEROUS DOGS:** It is unlawful for any person to wilfully or negligently permit any "dangerous dog", as defined in section 5-3-1 of this chapter, to be at large within the city. All such dogs shall be securely confined within the limits of their own premises when not under the immediate care and secure control of a competent and responsible attendant. (1985 Code § 6.12.020)

5-3-10: **RABIES CONTROL:**

- A. Authority To Impound: If any dog is believed to have rabies, has been bitten by any animal suspected of having rabies, or has bitten any person, such dog shall be impounded in the animal shelter by the animal control officer or any member of the county sheriff's department. (1985 Code § 6.12.030; amd. 2010 Code)
- B. Registration Of Dog: The sheltermaster or other appropriate official, upon receiving such dog, shall make a complete registry, entering the breed, color and gender of the dog, and whether licensed, and shall also make record of the incident leading to the impoundment of the dog. If the dog is licensed, the sheltermaster shall enter the name and address of the owner and the number of the license tag.
- C. Notice Of Impoundment: Not later than three (3) days after the impoundment of any such dog, the owner shall be notified, or if the

owner of the dog is unknown, written notice shall be posted for six (6) days at three (3) or more conspicuous places in the city describing the dog and the time and place of taking.

- D. **Quarantine:** The dog is to be quarantined in the shelter, segregated from other animals, for a period of ten (10) days. At the owner's request and upon approval of the sheltermaster, the dog may be quarantined by a licensed veterinarian at the expense of the owner. At the end of the ten (10) day period of impoundment, the dog shall be inspected by a licensed veterinarian, and if the dog shows no signs of rabies, the veterinarian may authorize release of the dog. If the dog shows symptoms of rabies or is suspected by the veterinarian of being infected with rabies, the veterinarian may direct whatever disposition of the dog deemed necessary, including, but not limited to, destroying the dog and/or conducting laboratory tests on the animal.
- E. **Reclamation Of Quarantined Dog; Costs:** Following the ten (10) day impoundment, the owner of the dog impounded may reclaim such animal on payment of all costs and charges incurred by the animal shelter for impounding and maintenance of the dog.
- F. **Disposition Of Unclaimed Dog:** If any dog so impounded is not claimed by the owner thereof at the expiration of six (6) days from and after the ten (10) day impoundment, such dog may be humanely disposed.
- G. **Notice To Victim:** The sheltermaster shall attempt to notify the victim of the dog bite of the results of impoundment. (1985 Code § 6.12.030)

5-3-11: CRUELTY TO DOGS¹:

- A. It is unlawful for any owner, keeper, or custodian of any dog to fail to provide such animal with sufficient food and water, humane care and treatment, proper shelter, ventilation, protection from weather, and veterinary care when needed to prevent suffering.
- B. It is unlawful for any person to poison, beat, cruelly ill treat, torment, abandon or otherwise abuse any dog, or cause or permit any dog fight. (1985 Code § 6.12.050; amd. 2010 Code)

1. See also subsection 5-1-10B of this title.

5-3-12: IMPOUNDMENT AND REDEMPTION PROVISIONS:

- A. **Authority To Impound; Dangerous Dogs:** Any dog found running at large within the city or any dog found in violation of this chapter may be taken up by the animal control officer, sheltermaster or any member of the county sheriff's department and confined in a humane manner; provided, however, that if any dangerous animal so found at large cannot be safely taken up and impounded, such animal may be destroyed by the animal control officer or any member of the county sheriff's department. Dangerous dogs shall be taken up and impounded until such time as a judicial hearing may determine terms of release and/or humane disposal of the animal.
- B. **Return To Owner; Citation:** Notwithstanding other provisions of this section, if a dog is found at large and its owner can be identified and located, such animal need not be impounded but may instead be returned to its owner by the animal control officer or the sheriff's department. In such case, the animal control officer or sheriff's department shall issue a citation to the owner. (1985 Code § 6.12.030; amd. 2010 Code)
- C. **Redemption Of Impounded Dog:** At any time the dog is so impounded, the owner or keeper of the dog may redeem the same by paying to the animal shelter the expenses incurred for such impoundment. The owner reclaiming an impounded animal may also be proceeded against for violation of this chapter, and the license for his or her dog may be revoked. (1985 Code § 6.12.030)
- D. **Term Of Impoundment; Disposition Of Unclaimed Or Infected Dogs:**
1. It is the duty of the sheltermaster or other designated official to keep all dogs which have been impounded for a period of not less than five (5) days, unless claimed sooner by the owner or keeper of such dog.
 2. Any dog impounded which appears to be suffering from rabies or infected with hydrophobia, mange or other infectious or dangerous disease, as verified by a licensed veterinarian, shall not be released, but may be forthwith humanely disposed.
 3. Any animal known to be dangerous or which becomes dangerous and presents a health and safety hazard to humans or other animals while impounded may be destroyed if not claimed by its owner or keeper within the prescribed time period.

- E. Adoption Procedure: The sheltermaster or animal control officer is authorized to place for adoption all dogs which have been impounded for a period of not less than five (5) days from the date of posting notice and which have not been claimed within that time period. Any person qualifying for issuance of a license wishing to adopt a dog or other animal shall pay to the sheltermaster or animal control officer an adoption fee. (1985 Code § 6.12.040)
- F. Prohibited Acts:
1. It is unlawful for any person to knowingly have in his possession, care, custody or control any dog that has been impounded by the animal control officer or the county sheriff's department and which has not been properly released by same following payment of all impoundment fees and costs.
 2. It is unlawful for any person to conceal an animal for the purpose of and with intent to violate this chapter or to, in any other manner, interfere with, hinder, or obstruct the animal control officer or the county sheriff's department in their lawful effort to enforce this chapter. (1985 Code § 6.12.030; amd. 2010 Code)

5-3-13: VIOLATIONS; PENALTIES:

- A. Any person violating subsection 5-3-3A or E, or section 5-3-4, 5-3-5, 5-3-6 or 5-3-7 of this chapter for the first offense in any two (2) year period, shall be guilty of an infraction. For a second or subsequent violation within a two (2) year period, violators shall be guilty of a misdemeanor. Upon the first conviction for violation of said sections, violators shall be punished by a fine of not less than twenty five dollars (\$25.00); on a second conviction, by a fine of not less than fifty dollars (\$50.00); and on third and subsequent convictions, by a fine of not less than seventy five dollars (\$75.00). Any person violating section 5-3-9, section 5-3-11, or subsection 5-3-12F of this chapter shall be guilty of a misdemeanor and punishable as provided in subsection 1-4A-1A of this code at the discretion of the court. If any violation is continuing, each day's violation shall be deemed a separate offense. (1985 Code § 6.12.070; amd. 2010 Code)
- B. Any person found guilty of violating any provision of this chapter is subject to revocation of his or her license to own, keep, harbor or have custody of any dog, and no new license may be issued to such owner for a period of two (2) years from the date of conviction.

- C. Any violation of this chapter is an "infraction" or "misdemeanor" as defined in this section. Upon conviction, fines and fees are required to be paid even if such owner or keeper chooses not to reclaim an impounded animal. Annual license fees are those fees set by the Teton Valley Humane Society. Fees as set forth in this chapter for impounding and maintenance of animals are:
1. For impounding any dog, twenty five dollars (\$25.00).
 2. For keeping any dog, ten dollars (\$10.00) per day or portion thereof.
 3. For veterinary expense, the actual cost thereof.
 4. For giving public notice, fifteen dollars (\$15.00). (1985 Code § 6.12.070)
- D. Compliance with the following nationally recognized group standards shall be an affirmative defense to a violation of any of the provisions in this chapter: American Kennel Club, Mush with PRIDE, American Boarding Kennels Association, Stock Dog Club of America, The Humane Society of the United States, and the National Animal Control Association. (1985 Code § 6.12.080)

