

Ordinance No. 2008-\_\_\_\_\_

**AN ORDINANCE REPEALING SECTION TITLE 6, ANIMALS, OF THE ST. ANTHONY CITY CODE, ENACTING A NEW TITLE 6 ANIMALS, AND ESTABLISHING THE EFFECTIVE DATE HEREOF.**

WHEREAS, Title 6 of the St. Anthony Municipal Code as now enacted fails to address several areas of public safety and animal regulation which are of concern to the City; and

WHEREAS, the new Title 6 as proposed addresses these concerns; and

WHEREAS, the City Council finds that it is in the public interest that Title 6 of the St. Anthony Municipal Code be repealed and replaced with a new Title 6 as set forth herein;

NOW THEREFORE:

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ST. ANTHONY, IDAHO THAT TITLE 6, ANIMALS, OF THE ST. ANTHONY CITY CODE BE AND HEREBY IS REPEALED AND THAT ALL OF SUCH TITLE SHALL BE STRICKEN FROM THE CODE AND REPLACED BY A NEW TITLE 6, ANIMALS, AS FOLLOWS:

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Title 6

ANIMALS

Chapters:

- 6.04 Cruelty to Animals
- 6.08 Dogs
- 6.12 Stock and Fowl

Chapter 6.04

CRUELTY TO ANIMALS\*

Sections:

- 6.04.010 Cruelty unlawful.
- 6.04.020 Abandonment prohibited.

6.04.010 Cruelty unlawful. It is unlawful for any person to torture or beat cruelly, starve or otherwise ill-treat any animal, whether belonging to himself or any other person. Violation of this section shall constitute a criminal misdemeanor punishable by up to six months in jail, and/or fine of up to \$1000.00.

6.04.020 Abandonment prohibited. It is unlawful to abandon animals within the city limits or to abandon city animals in the surrounding area. The fine for this offense is set forth in Appendix 1.

Chapter 6.08

DOGS\*\*

Sections:

- 6.08.010 Definitions.
- 6.08.020 License—Required – Address change—Ownership transfer.
- 6.08.030 License – Fee.
- 6.08.040 Tags to be placed on collar—Duplicate tags.
- 6.08.050 License – Record.

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\* For statutory provisions governing cruel mistreatment of animals, see IC Section 18-21.

\*\* For statutory provisions authorizing cities to regulate running at large of domestic animals, to impose a license tax on owners, and to authorize the sale or destruction of unlicensed or stray animals, see IC Section 50-319.

Sections: (Continued)

- 6.08.060 Unlicensed dog -- Impoundment .
- 6.08.070 Public nuisance.
- 6.08.080 Running at large – Unlawful when (Leash Law) – Feces Disposal.
- 6.08.090 Running at large – Exception.
- 6.08.100 Impoundment duties of officers.
- 6.08.110 Notice of impoundment and redemption.
- 6.08.120 Citation – In lieu of impoundment.
- 6.08.130 Citation – Issuance.
- 6.08.140 Vicious dogs.
- 6.08.150 Kennel license—Required when—Application – Requirements
- 6.08.160 Kennel license—Application—Contents.
- 6.08.170 Kennel license—Non-transferrable – Expiration -- Change.
- 6.08.180 Individual license required – Effect on zoning ordinances.
- 6.08.190 Rabies—Quarantine.
- 6.08.200 Rabies—Destruction.
- 6.08.210 Destruction of dogs.
- 6.08.220 Unlawful to interfere with the seizure or destruction of dogs.
- 6.08.230 Manner of destruction.
- 6.08.240 Violation—Penalties.

Appendix 1 Violation Penalties

Appendix 2 Kennel requirements

6.08.010 Definitions. As used in this chapter the following definitions apply:

- A. “Dog”: Includes either male or female.
- B. “Owner”: Any person harboring, keeping or having in charge a dog within the corporate limits.
- C. “Vicious Dog”:
  - 1. Any dog which, when not physically provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing. Exception: a police work dog in the performance of duties.
  - 2. Any dog which kills or inflicts severe injury on a dog or cat without provocation while off the owner’s property.
- D. “Officer”: Police officer or code compliance officer.

6.08.020 License—Required – Address change – Ownership transfer. It is unlawful for any owner to harbor, keep or have in charge an unlicensed dog over four months of age within the city limits. The owner shall obtain a license from the city clerk for each dog. These licenses shall

be valid for the life of the animal on condition that the owner provides appropriate change of address or change of owner notification to the clerk as these events occur. Failure to provide address or ownership change notification to the clerk within 30 days of such change will be punishable by a fine as set forth in Appendix 1. It shall be the duty of the clerk to issue a license to the person bearing the same number as the number worn on the collar of the dog as provided in Section 6.08.040. The license shall give the date of issuance, the name and address of the person to whom issued and the name and sex of the dog. The clerk shall furnish with each license a metal tag which shall be stamped with the number to correspond with the number of the license and the year for which it is issued. The fine for not having a license for a dog is set forth in Appendix 1. The provisions of this section shall not apply to any person visiting the city for a period not exceeding 30 days and owning or possessing a dog currently licensed and bearing the license issued by another licensing authority.

6.08.030 License—Fee. Licenses for all dogs kept within the city will be provided an owner upon the payment of a fee as set forth in such schedule of fees as may be adopted by the city council.

6.08.040 Tags to be placed on collar. The metal tag, as described in section 6.08.020, shall be attached to the collar of the dog, which the owner shall provide and which shall be placed and kept upon the neck of the dog so licensed. If the metal tag is lost, the owner shall obtain a duplicate tag from the city clerk, who shall issue such a duplicate tag upon the payment by the applicant of a fee as set forth in such schedule of fees as may be adopted by the city council.

6.08.050 License – Record. The city clerk shall keep a record of the licenses issued under the provisions of this chapter and shall record all the facts required to be stated in the license.

6.08.060 Unlicensed dogs – Impoundment. All dogs not collared and licensed, as provided in Sections 6.08.020 through 6.08.040, are declared to be a public nuisance, and it is the duty of all officers to take up and impound any dog not so collared and licensed.

6.08.070 Public nuisance.

A. Any dog which molests passerby or passing vehicles, attacks other animals, trespasses on school grounds, damages and/or trespasses on private or public property, or barks whines or howls in a continuous or untimely fashion, shall be considered a public nuisance.

B. Every dog owner who permits or allows a public nuisance as described above, after reasonable notice in writing from the code compliance officer has been served upon such person to cease such nuisance, is guilty of a misdemeanor. The existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense. The penalties for such are set forth in Appendix 1.

6.08.80 Running at large – Unlawful when (Leash Law.) – Feces Disposal.

Except as provided by section 6.08.090, it is unlawful for any owner to cause, permit, or allow any dog, whether licensed or not, 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 is 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.

It is unlawful for the owner or person having charge, custody or control of any dog to fail to immediately remove any feces deposited by such dog upon public or private property or right-of-way and dispose of the feces in a sanitary manner by depositing the same in a trash receptacle. The provision of this section shall not apply to any fecal matter deposited by a dog on the property of that dog's owner, custodian, controller or to a blind person being assisted by a guide dog.

6.08.090 Running at large – Exception. The city council may designate areas of a public park and other rules and regulations for the use of such areas for the training or exercise of dogs, or for holding dog shows or exhibits. Dogs within such areas need not be controlled by leash or chain but shall be under the control of a responsible person by whistle, voice or other effective command. Failure to comply with this Section shall be punishable by a fine as set forth in Appendix 1.

6.08.100 Impoundment duties of police and code compliance officers. It shall be the duty of all officers to seize and impound any dog found to be running at large as provided in Section 6.08.080, as set forth herein.

6.08.110 Impoundment and redemption.

A. Licensed Dogs: The owner of every licensed dog so seized and impounded shall be notified by the police department of the seizure and impoundment within 48 hours thereafter. Notice shall be sufficient when made telephonically to the owner, or if the telephone number is unknown, it is made in writing. If made in writing, identify the dog by license number, state the date, time and place of the seizure, and place the notice in a sealed envelope addressed to the owner at his residence as appears on the application for the current license, and deposit it in the U.S. mail. Every licensed dog so seized shall be retained in the pound for a period of three business days after notice to the owner. At any time while the dog is so impounded, the owner may redeem the same by paying the city clerk the fees set forth in Such schedule of fees as may be adopted by the city council, including that specified for each 24 hour period that the dog has been held in the pound. This will not relieve the owner from appearing in the county magistrate's court to answer any charges which may be filed for violating any provision of this chapter.

B. Unlicensed Dogs: All dogs seized and impounded which do not have a collar and license as provided in Section 6.08.040, and whose ownership is unknown to the police department, shall be retained in the pound for a period of 72 hours, during which time the dog may be released to the owner upon the payment of the pound fees as set forth in Such schedule of fees as may be adopted by the city council and upon purchasing a license. This will not relieve the owner from appearing in the county magistrate's court to answer any charges that may be filed for violating any provisions of this chapter.

C. Unclaimed Dogs: The ownership of any dog not redeemed within the periods of time herein stated may be forfeited and the dog may be sold thereafter to any person or released to any humane society organization. Failure to redeem the dog will subject the owner to a penalty set forth in Appendix 1.

D. Disposal of Dogs: If any dog is not redeemed, sold or released to a humane society organization, the dog may be humanely destroyed and the carcass disposed of in any lawful manner.

6.08.120 Citation – in lieu of impoundment. In lieu of seizing and impounding any dog found to be running at large in violation of Section 6.08.080 (Leash Law), officers may, if the owner is known, issue a citation which shall meet the following requirements: must have consecutive serial numbers, space to provide date, time and location of the offense, name and address of the owner, and the offense by brief description.

6.08.130 Citation – Issuance. The citation shall be issued by the officer by handing a copy of the original to the owner, or by mailing him a copy as provided in Section 6.08.130. The police or code compliance officer shall include whether it is a first, second, third or subsequent offense, as set out in Section 6.08.240.

6.08.140 Vicious dogs. Any person who keeps or has possession of a vicious dog within the city limits is guilty of a misdemeanor. Dogs determined to be vicious under this chapter shall be impounded and disposed of as follows:

A. Impounding of Vicious Dogs: Officers shall take up and impound any vicious dog found within the city limits.

B. Disposal of Unlicensed Vicious Dogs: All vicious dogs not licensed or identified by tag shall be retained in the pound for a minimum of 72 hours. If the owner of such dog does not appear at the pound within this 72 hour period, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the owner appears at the pound at any time during the 72 hour period, the code enforcement officer or his authorized representative shall deliver a written notice to the owner stating that the dog has been impounded as a vicious dog and the dog will be destroyed within 10 days after the date of such delivery of the notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the city clerk requiring the city to show cause why the dog should be destroyed. If such order is not served upon the city clerk within 10 days of the date of the delivery of the notice to the owner, the dog shall be destroyed and disposed of as provided herein. If the order to show cause is issued and served upon the city clerk within 10 days of the delivery of the notice to the owner the dog shall be retained in the pound until further order of the court.

C. Disposal of Licensed Vicious Dogs: If a vicious dog is licensed and properly identified with a dog tag, the code compliance officer shall notify the owner of the impoundment, within 48 hours of the impoundment, by certified mail addressed to the owner at his last known address. Such notice shall be deemed to be complete upon its deposit in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the owner at such address. This notice shall state that the dog has been impounded as a vicious dog and the dog will be destroyed within 10 days after the date of such notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the city clerk, requiring the city to show cause why the dog should be destroyed. If such order is not served upon the city within 10 days of mailing of the notice, the dog shall be humanely destroyed and the carcass disposed of in any lawful manner. If the order to show cause is issued and served upon the city clerk within 10 days of the mailing of the notice, the dog shall be retained in the pound until further order of the court.

D. Impound Fees: If the court orders the release of any dog impounded under this Section, the owner shall pay a boarding fee of \$10 per day for each day of impoundment, but no further impound fee shall be charged.

6.08.150 Kennel license – Required when – Application -- Requirements.

A. It is unlawful for an owner to possess upon property within the city limits more than two dogs, unless the owner has obtained a commercial or noncommercial kennel license.

B. Noncommercial Kennel:

1. Application for a noncommercial kennel license shall be made to the city clerk, accompanied by the fee as set forth in Such schedule of fees as may be adopted by the city council, which deposit fee will be returned to the applicant if the license is not finally issued. Dogs kept in a noncommercial kennel shall be owned only by members of the immediate household and a separate license shall be obtained for each dog. Such license shall not be issued unless at least 75 percent of all the owners or persons in possession of premises within 500 feet of the premises upon which the kennel is to be maintained have consented to the operation of such a kennel. Upon receipt of such application, the city clerk shall request the code compliance officer to poll such persons to determine if they are willing to consent to the issuance of a noncommercial kennel license to the applicant. For purposes of determining the percentage, persons having joint control or ownership of such premises, shall be considered one person. Also upon receipt of the application the city clerk shall request the code compliance officer to review the plans for the proposed location and type of kennel for compliance with health and safety requirements for the dogs to be kept therein in accordance with Appendix 2.

2. Upon completion of kennel construction, the code compliance officer shall inspect it for such compliance. Periodically or upon receipt of a complaint, the code compliance officer shall check the kennel facility for such compliance. No person holding a noncommercial license shall keep any dog for breeding purposes for sale or for the purpose of raising such dog(s) for commercial sale. All dogs kept pursuant to a noncommercial kennel license shall be spayed or neutered within 12 weeks after their birth. No license shall be issued unless the applicant shall provide written certification by a licensed veterinarian that all licensed animals have been spayed

or neutered or unless the applicant shall provide a certificate from the code compliance officer that he or she has inspected each animal and verified such spaying or neutering. A maximum of five dogs may be kept upon the premises owned by a person holding a noncommercial kennel license.

3. If more than 25 percent of the persons in possession of premises within 500 feet as described above, file complaints against the existence of a noncommercial kennel, the code compliance officer may give the kennel licensee written notice that he/she has 30 days within which to eliminate the area of complaint, or the license may be terminated. At the end of the 30 day period, if each complaint is not withdrawn in writing by the complainant, the license shall be rescinded, and the licensee shall have an additional 30 days to bring himself into compliance with the statute by either removing dogs in excess of two, or obtaining another kennel license, as set out above. Consenting to any new kennel license by a complainant under a former license shall constitute a withdrawal of that prior complaint.

C. Commercial Kennel: A commercial kennel is a kennel where the owner or a keeper of dogs sells, boards, breeds, trains, treats or handles dogs for consideration, provided however that any clinic or place owned or operated by a veterinarian licensed under state law or the city pound shall not be considered a commercial kennel. Applications for a commercial kennel license shall be made to the city clerk. The application must be accompanied by a license fee as set forth in Such schedule of fees as may be adopted by the city council, which fee shall be returned to the applicant if a license is not issued. No license may be issued unless at least 75 percent of all property owners within 500 feet of the property upon which the kennel will be operated have consented to the issuance of such license. Upon receipt of such application the city clerk shall request the code compliance officer to poll such owners to see if they are willing to consent to such commercial kennel. A commercial kennel shall not be issued for any premises where such use is not permitted under city zoning ordinances. Upon renewal of a commercial kennel license a re-polling of neighboring owners shall not be required unless within one year prior to the expiration of such license one or more complaints have been filed in writing with the police department regarding the applicant's maintenance of such kennel. In such event no license shall be issued until the code compliance officer has conducted a new poll and the required consents have been obtained.

D. Re-applications Limited: No application for a commercial or non-commercial license shall be accepted or processed if an application for the same type of license to operate on the same property has been denied within one year previous to the date of application.

6.08.160 Kennel license – Application – Contents. The application shall state the name and address of the owner, location of the proposed kennel, the number of dogs to be kept and the breed(s) of the dogs. New license applications will have attached a sketch of the proposed kennel or fenced in area of the property. For commercial licenses the application must state the city zone in which the kennel will be maintained.

6.08.170 Kennel license – Nontransferable – Expiration -- Changes. Kennel licenses shall not be transferrable to any person or location not stated in the application. Noncommercial kennel licenses do not expire unless revoked or otherwise terminated. Commercial kennel licenses shall expire one year from the date of issuance. Whenever additions are made to the number of dogs for which a kennel license has been issued, the licensee shall, within five days,

report same to the city clerk and pay the required license fee; provided however that whatever puppies are born as the issue of a dog previously counted in computing the license fee such puppies shall not be counted as additions until four months old. Delinquent penalties are as set forth in Appendix 1.

6.08.180 Individual license required – Effect on zoning ordinances. The issuance of a kennel license shall not obviate the necessity of obtaining an individual dog license, nor shall any of the provisions of this chapter be deemed to vary or alter any of the zoning ordinances of the city.

6.08.190 Rabies – Quarantine. An officer shall have authority to order the owner of any dog showing symptoms of rabies or any dog which has bitten any person, so as to cause an abrasion or puncture of the skin, to subject such dog to the city pound for quarantine for a period of at least 10 days and not to exceed 15 days. If such dog is determined to be 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 will be charged. If such fee is not paid, the dog will be subject to disposal as provided in Section 6.08.110 D. In lieu of submitting such dog to the pound, the owner may, at his expense, admit such dog to a licensed veterinarian for examination.

6.08.200 Rabies – Destruction. Any dog afflicted with rabies shall be disposed of immediately, either by the code compliance officer or the owner.

6.08.210 Destruction of dogs.

A. With the approval of a supervisor, an officer may euthanize a dog that is so badly injured that human compassion requires its removal from further suffering and where other dispositions are impractical.

B. In circumstances where officers encounter an unexpected dangerous dog or are surprised by the dog which reasonably appears to pose an immediate threat to the safety of officers or others, officers are authorized to use deadly force to neutralize such a threat.

6.08.220 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 chapter. Violation of this Section shall constitute a criminal misdemeanor punishable by up to six months in jail, and/or fine of up to \$1000.00.

6.08.230 Manner of destruction. It is unlawful for any person having the right or authority to destroy any dog, to destroy such dog in an inhumane manner. Violation of this Section shall constitute a criminal misdemeanor punishable by up to six months in jail, and/or fine of up to \$1000.00.

6.08.240 Violations – Penalties.

A. Any person(s) violating the provisions of this chapter is guilty of a misdemeanor and shall be punishable as indicated in Appendix 1, unless otherwise indicated.

B. In addition to subsection A, any person(s) found guilty will be assessed court costs.

APPENDIX 1, Violation penalties

Code No.	Violation Description	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	Each Subsequent
6.04.020	Abandon animal	\$500	\$500	\$500
6.08.020	Unlicensed dog	\$50	\$100	\$200
6.08.040	Proper ID on dog	\$50	\$100	\$100
6.08.070	Public Nuisance	\$50	\$100	\$200
6.08.080	Running at large	\$50	\$100	\$200
6.08.090	Running at large	\$50	\$50	\$50
	Designated areas			
6.08.110	Impoundment	\$100	\$100	\$100
	redemption --			
	Failure			
6.08.150	Unlicensed kennel	\$100	\$100	\$100
6.08.170	Delinquency charge for annual license renewal not obtained on or before expiration date		\$20.00	

APPENDIX 2, Kennel requirements

Kennels shall be erected and maintained so as to provide safe and humane accommodations for the dogs enclosed therein.

1. Primary enclosures shall be designed and constructed so that they are structurally sound and shall be kept in good repair. A primary enclosure is the primary structure that restricts a dog's ability to move in a limited amount of space, such as a room, cage or compartment. The term does not include any run.

2. Primary enclosures shall meet the following requirements:

- A. Have no sharp or pointed edges that could injure the dogs.
- B. Be maintained in a manner to protect the dogs from injury.
- C. The height of a primary enclosure that is not fully enclosed on the top shall be five feet.
- D. Keep other animals from entering the enclosure.

- E. Enable the dogs to remain dry and clean.
- F. Provide shelter and protection from temperature and weather conditions that may be hazardous to the breeds of dogs contained.
- G. Provide sufficient space to shelter all the dogs housed in the primary enclosure at one time.
- H. Provide potable water at all times.
- I. Enable all surfaces in contact with the dogs to be readily cleaned or be replaceable when worn or soiled (see paragraph 4, below).
- J. Have floors that are constructed in such a manner that protects the dogs' feet and legs from injury, for example, no wire-floored areas. Floors must be impervious to moisture, solid, and strong enough that they do not sag or bend between the structural supports .
- K. Provide space to allow each dog to turn about freely, to stand, sit, and lay in a comfortable and normal position. The dog must be able to lie down while fully extended without the dog's head, tail, legs, face or feet touching any side of the enclosure.
- L. The interior height shall be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
- H. Have an entryway that will allow the dogs unfettered clearance out of the enclosure to an exercise area when the enclosure is opened.

3. All dogs must be provided with adequate food that is clean and free from contaminants.

4. All kennels shall be kept clean as follows:

- A. Excreta, feces, hair, dirt, debris and food waste shall be removed from the primary enclosures at least daily to prevent an accumulation thereof.
- B. Hard surfaces and food and water receptacles shall be sanitized at least every two weeks with appropriate detergent or disinfectant.
- C. Premises where primary enclosures are located, including surrounding buildings and grounds shall be kept clean and in good repair.

3. This Ordinance shall be in full force and effect 30 days after its passage and publication, all as provided by law.

PASSED this \_\_\_\_ day of November, 2008.

CITY OF ST. ANTHONY, IDAHO

\_\_\_\_\_  
Garth Rose, ACTING MAYOR

ATTEST:

\_\_\_\_\_  
PATTY UNRUH PARKINSON, CITY CLERK

## Chapter 6.12

### STOCK AND FOWL\*

#### Sections:

- 6.12.010 Herding unlawful when.
- 6.12.020 Stock running at large prohibited.
- 6.12.030 Keeping or maintaining of hives of bees prohibited.
- 6.12.040 Keeping of animals in city limit.

6.12.010 Herding unlawful when. It is unlawful for any person to hold, pasture or detain any herd or band of livestock within the corporate limits. This provision does not prohibit the herding of livestock on designated stock trails through the corporate limits of the city. (Prior code §6-2-1)

6.12.020 Stock running at large prohibited. It is unlawful for any person to permit or allow any livestock belonging to him or under his control to run at large within the corporate limits. (Prior code §6-2-2).

6.12.030 Keeping or maintaining of hives of bees prohibited. It is unlawful for any person to keep and maintain within the corporate limits any hives of bees during the period from March 1, to November 30 of each year. (Prior code §6-2-17).

6.12.040 Keeping of animals in city limits. It is unlawful for any person to keep, maintain, stable, or pasture, within any area of the city, any cattle, swine, goats, sheep, or mules; provided, however, that for the purpose of shipment of any such animal, it is lawful to keep the same in pens provided for such purpose for a period of not to exceed twelve hours, which period may be extended for such further time as may be necessary for such shipping purpose by written permission of the mayor or any councilman. (ord. 670 §3, 1980; Ord. 669 §3, 1980; prior code §6-2-18).

\* For statutory authority for cities to regulate the running at large of animals, see IC §50-319.