

CHAPTER 1

DOGS

- 4-1-1: PURPOSE
- 4-1-2: DEFINITIONS
- 4-1-3: LICENSES
- 4-1-4: RESTRICTED AND PROHIBITED ACTS
- 4-1-5: IMPOUNDING
- 4-1-6: RABID DOG
- 4-1-7: ADOPTION; FEE
- 4-1-8: FINES, FEES AND PENALTIES
- 4-1-9: EFFECTIVE

4-1-1: PURPOSE

The City of Tetonia hereby establishes this ordinance to promote the health, safety, and welfare of the residents, animals, and visitor of the City of Tetonia; and to protect the properties of such persons by establishing a uniform and humane dog care and control ordinance.

4-1-2: DEFINITIONS

When used in this chapter, unless the context otherwise indicates, the following terms and phrases shall have the meanings as herein ascribed:

- ANIMAL CARE AND CONTROL OFFICER:** The person or persons given authority by the City of Tetonia, the Teton County Board of Commissioners or the Teton County Sheriff's Office, to enforce this chapter, or any peace officer in this State.
- AT LARGE:** Off the premises of the owner and not under the control or restraint of the owner, keeper, or custodian of the animal.
- CONTROL/VOICE CONTROL:** Within the incorporated cities, a dog shall be deemed to be under control if such dog is physically restrained. Within the unincorporated county, a dog may be deemed to be under control by means of voice control. Voice control means that the dog returns immediately to and remains by the side of the owner or keeper in response to the owner or keeper's verbal command, whistle or hand signal. If an unleashed dog approaches or remains within 10 feet of any other person other than the owner or keeper, that dog is not under voice control and shall be deemed to be "at large", unless such person (or in the case of a minor child, an adult present with the child) has communicated to the

TITLE 4 POLICE REGULATION

owner that such person consents to the presence of the dog.

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| COUNTY: | Shall include the unincorporated areas within the boundaries of Teton County, Idaho. |
| DOG: | Includes any unaltered or altered male or female canine not in the line of duty for a law enforcement agency. |
| 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 veterinarian clinic/hospital, or certified euthanasia technician. |
| IMPOUNDED: | Having been received into the custody of the Teton County Sheriff's Department or shelter master or other designated agent. |
| INJURY: | Any physical injury that results in any breaking of the skin, infection, broken bone or disfiguring laceration. |
| NUISANCE: | Any noisy dog, any dangerous dog, or any dog engaging in behaviors described in section 4-1-4 of this chapter. |
| OWNER: | Includes any individual, partnership, corporation, company, society or association keeping or harboring a dog or dogs. |
| PREMISES: | The real property owned or occupied by the owner of the dog. |
| RESTRAINT: | An animal shall be deemed to be under restraint if it is not At-Large. |
| SHELTER MASTER: | The person or persons responsible for an animal shelter that provides humane care for animals impounded by the Animal Care and Control Officer. |
| VICIOUS DOG: | A dog which, when not provoked, approaches any person who is not trespassing, in a vicious or terrorizing manner; or any dog which, when not provoked, physically attacks, wounds, bites or otherwise injures a person or domestic animal who is not trespassing. |

4-1-3: LICENSES

A. Required:

1. License Required; Fee: All owners of dogs over six (6) months of age residing within the City of Tetonia must pay a license fee as set forth by resolution of the Teton County Board of Commissioners. Any violation of this Chapter, in which the license tag is not attached to the dog, may result in an additional violation.
2. Receipt; Tag: Said license shall be paid in accordance with provisions of Idaho Code Section 25-2801, to the agent or officer of the county, as designated by the Board of County Commissioners, who shall thereupon give to the person paying it a dated receipt reciting the owner's name and the number of the license, and also a tag or disc bearing the year of issue, the name of the county, and a license number corresponding with that mentioned in the receipt.
3. Duplicate Tag: In the event of loss of license tag, a duplicate, so stamped, shall be provided to the owner by the county, at a reasonable cost for each duplicate tag.

B. When Required; Term; Relicensing:

1. All dogs six (6) months and older shall be licensed within thirty (30) days of being brought into the City of Tetonia.
2. All licenses shall be issued on the date applied therefor and shall expire one year from that date.

C. Application: The owner shall state at the time application is made for a license and upon a form provided for such purpose, their name and address; the name, breed, color and gender of each dog owned or kept by them, 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 their dog or dogs have been spayed or neutered. Any dog for which no certificate is presented, certifying that such dog has been spayed or neutered, or for which a licensed veterinarian cannot certify that such dog has been spayed or neutered, shall be considered a not- spayed dog or not-neutered dog, and the owner shall be charged a license as though such dog were unaltered.

D. Certificate of Rabies Immunity: At time of application for a dog license, a current certification of rabies immunity from a licensed veterinarian must be presented.

E. Conditions of Issuance: Licenses issued in accordance with this chapter 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.

4-1-4: RESTRICTED AND PROHIBITED ACTS:

A. Nuisances

1. **Noisy Dog:** It is a violation of this chapter for any owner of a dog to fail to exercise the reasonably necessary proper care of his/her animal in order to prevent it from disturbing the peace and quiet of persons residing in the neighborhood by allowing such dog to continue barking, howling and/or whining, audible beyond the property line of the premises on which the dog is located, for more than thirty (30) minutes. If it is determined that there is a prowler or something taunting the animal, a notice of violation will not be issued.
2. **Dogs at Large:** It is a violation of this chapter for any person who owns, harbors or possesses a dog, whether licensed or not, to allow such dog to be at large, as defined by this Chapter, upon the streets or alleys of the city, or in any public place in the city, except for designated off-leash areas, or upon any other premises within the city without the consent of the person in possession of such premises. See Idaho Code§ 25-2803 and 25- 2804 and any amendments.
3. **Female Dogs in Heat:** Each female dog, when in heat, shall be under control or penned or enclosed in such a manner as to preclude at large dogs from contacting such female dog.
4. **Un neutered Dogs at Large:** It is a separate violation of this chapter for any owner of any unneutered dog that is found to be at large.
5. **Failure to Remove Waste:** It shall be unlawful for any person who owns, possesses or controls a dog to fail to promptly remove and dispose of any feces left by his/her dog on any sidewalk, street or public owned property or private property (other than the property of the owner of the dog or of a person who has consented to the presence of the dog on his/her property). This provision shall not apply to an assistance dog accompanying a handicapped person who, by reason of his/her disability, is unable to remove and properly dispose of the feces.

B. **Rabies Suspects:** It shall be unlawful for a person to keep or harbor any dog afflicted with rabies. The owner of a dog showing symptoms of rabies, or of an unvaccinated dog which has bitten any person causing an abrasion or break in the skin, has a duty to surrender the dog for confinement at the animal shelter, or to a licensed veterinarian, for a minimum of ten (10) days, for impoundment.

C. **Vicious Dogs:** It shall be unlawful for the owner of a vicious dog or for the owner of premises on which a vicious dog is present to harbor a vicious dog outside a secure enclosure. A secure enclosure is one from which the animal cannot escape and for which exit and entry is controlled by the owner of the premises or owner of the animal. Any vicious dog removed from the secure enclosure must be restrained sufficiently to control the vicious dog. Any person who violates the provisions of this section is guilty of a misdemeanor. For a second or subsequent violation of this subsection, the Animal Care and Control Officer may, in the interest of public safety, impound the dog. The Shelter Master shall have the authority to either retrain the dog and place the animal for adoption, or to order the vicious dog destroyed if the shelter is unable to release the animal to a responsible owner. See Idaho Code§ 25-2805 and any amendments.

- D. Possession of Impounded Dogs: Except as authorized by the Shelter Master, no person shall have in his or her possession, care, custody or control any dog that has been impounded by the Animal Care and Control Officer and has not been properly released by the Shelter Master following payment of all impoundment fees and costs.
- E. Concealing Animals: It is a violation of this chapter to conceal any animal for the purpose and with the intent to violate this chapter or to prevent or interfere or hinder the Animal Care and Control Officer's enforcement of any part of this chapter.

4-1-5: IMPOUNDING:

- A. Power To Impound: Any dog at large may be impounded by the Animal Care and Control Officer and delivered to an animal shelter and there confined in a humane manner.
- B. Redemption: At any time that a dog is so impounded, the owner or keeper of the dog may redeem the same by paying to the Shelter Master the expenses incurred by the animal shelter for such impoundment. The owner reclaiming an impounded animal may also be cited for a violation of this chapter.
- C. Alternative to Impoundment: Notwithstanding the 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 taken to its owner and the owner may be cited for a violation of this chapter.

4-1-6: RABID DOG:

- A. Impoundment of Suspect Animal: If any dog is believed to have rabies, has been bitten by any animal suspected of having rabies, or has bitten any person causing laceration or abrasion of the skin, such dog shall be impounded in the animal shelter by the Animal Care and Control Officer or other authorized City Representative.
- B. Registry: The Shelter Master or some other designated official upon receiving any such dog, shall make a complete registry, entering the breed, color, and gender of such dog, and whether licensed, and shall also make record of the incident which led to the impounding of the dog. If the dog is licensed, the Shelter Master shall enter the name and address of the owner and the number of the license tag.
- C. Notice to Owner: Not later than three (3) days after the impounding of any such dog, the owner shall be notified by the Shelter Master, if the owner of the dog is known.
- D. Quarantine: The dog is to be quarantined in the animal shelter, segregated from other animals, for a period of ten (10) days. At the owner's request and expense, the dog may be quarantined at a licensed veterinarian.
 - 1. No Symptoms Shown: At the end of the ten (10) day period of impoundment, a licensed veterinarian shall inspect the dog and if the dog shows no symptoms of rabies, the veterinarian may authorize the release of the dog after vaccinating the dog for rabies.
 - 2. Symptoms Shown: 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 he may deem necessary, including, but not limited to, destroying the dog for confirmatory testing.

- E. Redemption: Following the ten (10) day impoundment, the owner of the impounded dog released by the veterinarian may reclaim such dog on payment of all costs and charges incurred by the animal shelter for impounding and maintenance of the dog.
- F. Unclaimed Dog: If any dog so impounded is not claimed by the owner thereof at the expiration of twenty (20) days following release by the veterinarian, such dog may be placed for adoption.
- G. Notice To Victim: The shelter master shall provide the veterinarian's rabies determination to the Sheriff's office, which shall attempt to notify the victim of the dog bite.

4-1-7: ADOPTION; FEE

The Shelter Master is authorized to place for adoption any animal, which has been impounded for a period of not less than seven (7) days, excluding weekends and holidays. Any person wishing to adopt an animal shall pay to the Shelter Master an adoption fee as established by the animal shelter.

4-1-8: FINES, FEES AND PENALTIES

- A. Any person violating any of the provisions of this Chapter for which a fixed punishment or fee has not been otherwise designated shall result in a warning notice being issued. If the owner of the animal is not the same as the owner of the property where the offense occurred, the property owner may also be issued a notice of violation. A maximum of one warning notice will be allowed in any 12 month period. A second offense shall result in a citation being issued and the owner of the animal(s) being charged a civil infraction as provided in Tetonia Code. In addition to a civil infraction, enforcement may result in the removal of the animal, in accordance with the provisions of this Chapter. The expense of such work shall be billed to and paid by the owner of the property where the violation occurred, and if not paid within 30 calendar days, assessed against the property involved and collectable as general taxes.
- B. Any violation of this chapter, in which the license tag is not attached to the dog, may result in an additional violation.
- C. The license fees are those fees set forth by resolution of the Teton County Board of Commissioners.
- D. Fines and fees are required to be paid even if the dog owner chooses not to reclaim the impounded animal from the animal shelter.
- E. Unless otherwise provided by ordinance of the City of Tetonia, the fines set forth in this section regarding maintenance and impounding of animals are as follows:
 1. For keeping any dog: the shelter's daily rate.
 2. For veterinary expense: the actual cost thereof.

TITLE 4 POLICE REGULATION

- F. Fines for maintenance and impounding of animals shall be paid to the Shelter Manager. All other fines under this chapter are to be paid to the City of Tetonia Clerk only and may be subject to court costs.
- G. In the event that any fine is not paid within ten days it may be assessed with interest against any property owned or person so charged and collected as general taxes, or a complaint for an ordinance violation or failure to pay an ordinance fine may be filed in the magistrate division of the district court, and, upon conviction, the court may assess costs of collection and/or court costs in addition to the prescribed penalties.

4-1-9: EFFECTIVE

This ordinance shall be in full force and effect from and after its passage, approval and publication, according to law. (Ord 2016-4 10/10/2016 amd Ord 2020-3 4/15/20)

CHAPTER 2

CRIMINAL CODE

- 4-2-1: IDAHO CRIMINAL CODE
- 4-2-2: ADOPTION OF CODE
- 4-2-3: CODE COPY
- 4-2-4: PROVISIONS
- 4-2-1: IDAHO CRIMINAL CODE

It is hereby declared to be the intent of the governing body of the City of Tetonian, Idaho, to aid and assist by whatever means possible, for the utmost consistency in designation of crimes and punishment among and between agencies of Idaho having such jurisdiction. Toward that end, adoption of the Idaho Criminal Code by the Cities of Idaho is a necessary means of assuring maximum uniformity within the state.

4-2-2: ADOPTION OF CODE

There is hereby adopted for the purpose of establishing rules and regulations for the designation of crimes and punishment of the City of Tetonian, Idaho, that certain code, identified as the Criminal Code, effective date 4/1/1972, more particularly title 18, Idaho Code, and as the same may hereafter be revised by the Idaho Legislature, or amended by the governing body, and the same is hereby adopted and incorporated as an ordinance of the city as fully as though set forth at length herein.

4-2-3: CODE COPY

Three copies of the Idaho Criminal Code, together with any revisions or amendments, duly certified by the city clerk, shall be kept on file in the clerk's office for use and examination of and by the public.

4-2-4: PROVISIONS

The provisions of title 18, Idaho Code shall apply to all crimes specified therein, however, this ordinance is not intended to nor does it repeal any duly adopted city ordinances covering any offenses or penalties for the violation of any city ordinances not mentioned in the Criminal Code (title 18, Idaho Code) (Ord. 37, 11-5-1984; Ord. 2008-2)