

CHAPTER 2

ANIMAL CARE AND CONTROL

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4-2-1: **PURPOSE:** Teton County and the City of Victor hereby establish this ordinance to promote the health, safety and welfare of the resident's animals and visitors of Teton County and to protect the properties of such persons by establishing a uniform and humane animal care and control ordinance. Animal ownership is encouraged and welcomed within this county, however, strong emphasis is placed on responsible ownership of animals. Animal owners should respect the rights of fellow citizens and also those of their animals. Primary responsibility is placed upon animal owners to properly care for their animal as well as train and secure their animals to prevent them from causing injuries and/or creating nuisances. (TC Ord. 052200, 5-22-2000; VCC11-0427, 4-27-11.)

4-2-2: **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 Teton County Board of Commissioners, as appointed by the Teton County Sheriff's Office, to enforce this chapter, or any peace officer of the state.

AT LARGE: Any dog off or away from the premises of the owner, and not under the control of such owner or his agent either by leash, cord or chain (not to exceed 10 feet), by confinement, within a vehicle, or otherwise restrained and under the immediate control of a competent and responsible attendant.

CONTROL/VOICE CONTROL: To direct influence over, to dominate, 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 and providing that such dog is not engaged in an action which would classify it as a nuisance under this chapter. In order for a dog to be considered under control within the requirements of this chapter, it must either be physical restraint or subject to and responsible to the verbal commands of the owner or other person asserting control of the dog. A dog is not under control if it is running At Large or unrestrained in the streets, along the sidewalks or on a school ground, playground, park or place of public amusement or recreation.

COUNTY: Shall include the area within the boundaries of Teton County, Idaho.

CRUELTY: Cruelty is defined as follows:

- A. Intentional, negligent, and/or malicious infliction of pain, physical suffering, injury or death upon an animal;
- B. To poison torture, cruelly beat, mutilate or cruelly kill an animal;
- C. To maliciously kill, main, wound, overdrive, overload, drive when overloaded, overwork;
- D. To drive, ride or otherwise use the animal when it is unfit;
- E. To abandon an animal;
- F. To intentionally, negligently or maliciously confine an animal in unsanitary conditions, house an animal in an inadequate facility;
- G. To intentionally, negligently or maliciously fail to maintain an animal at a healthy weight and in a healthful condition including providing sufficient food adequate for the species, free access to potable water, and veterinary care when needed to prevent suffering;
- H. To intentionally, negligently, or maliciously fail to provide adequately ventilated and/or insulated shelter for the animal in light of:
 1. Hot or cold weather conditions,
 2. Other extreme environmental conditions such as pestilence or exposure,
 3. The species breed of the animal and its ability to adapt to weather conditions,
 4. The general health and physical condition of the animal;
- I. To tie, or restrain an animal on an outdoor leash for more than 12 hours a day and/or fail to provide adequate food, water, and shelter for the tethered animal as defined in 4-2-2 (H) and (I).

DOG: Includes any unaltered or altered male or female canine, not otherwise used for law enforcement purposes.

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.

KENNEL: Any lot or premises or portion thereof on which six (6) or more dogs are maintained, harbored, possessed, trained, bred, boarded or cared for in return for compensation, but not including an animal clinic, animal hospital or veterinary office where boarding is limited to short term care incidental to the hospital use.

LICENSE: Shall include a metal tag or disc bearing the year of issue, the name of Teton County, Idaho, and number corresponding to the number kept in the records of the animal shelter and the animal control officer, showing the person to whom such license was issued.

MULTIPLE DOG OWNER: A facility located at the private residence of the dog owner, where five (5) or more of the owner's dogs are maintained for purposes of breeding, hunting, organized field trials, obedience or confirmation, competition, personal safety and security, or for personal enjoyment.

OWNER: Includes any individual, partnership, corporation, company, society or association keeping or harboring a dog or dogs.

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

RESTRAINT: An animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person and under that person's supervision and control/voice control, off the owner's premises.

SHELTER MASTER: The person or persons responsible for the animal shelter that provides humane care for animals impounded by the animal care and control officer.

TCSO: Teton County Sheriff's Office

VICIOUS DOG: A dog which when not provoked, in a vicious 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 dog; or a dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of persons or domestic animals; or any dog which bites, inflicts injury, assaults or otherwise attacks a person or domestic animal without provocation; or any dog owned or harbored primarily or in part for the purpose of fighting. (TC Ord. 052200, 05-22-2000, VCC11-0427, 4-27-11.)

4-2-3: **LICENSES**

A. Required:

1. License Required: Fee: All owners of dogs over six (6) months of age within Teton County must pay a license tax as set forth by resolution of the Teton County Board of Commissioners.

2. Receipt; Tag: Said license shall be paid in accordance with provisions of Idaho Code Section 25-2801, to the office or officer of the county as designated by the Board of County Commissioners who shall thereupon give to the person paying it a receipt reciting the owner's name and the number of the license, and also a metal 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 the owner by the county, at a reasonable cost for each duplicate tag.

B. When Required; Term; Relicensing: All dogs six (6) months and older shall be licensed within thirty (30) days of being brought into Teton County. Dogs, which are the property of nonresident owners and are not residing in the county for more than thirty (30) days, which have not been properly licensed by another municipal corporation, may be taken up and impounded in accordance with the provisions of this chapter.

C. Application: The owner shall state at the time application is made for a license and upon printed form provided for such purpose, his name and address; the name, breed, color and gender of each dog owned or kept by him, 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 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, 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. At the time of application for permit the owner shall also present a certificate of rabies vaccination obtained in accordance with this chapter.

D. Certificate of Vaccination: At time of application for a dog license, a certification of vaccination from a licensed veterinarian must be presented to the animal control officer or shelter master showing that the dog has a current rabies vaccination.

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.

4-2-4: **RESTRAINT: NUISANCE:** All dogs shall be under restraint so as not to interfere with pedestrian traffic, any public sidewalk or entrance to any building frequented by the general public. A dog that is vicious at any time will not be considered restrained. (TC Ord. 052200, 5-22-2000; VCC11-0427, 4-27-11.)

A. Restraint: All dogs shall be under restraint so as not to interfere with pedestrian traffic, any public sidewalk or entrance to any building frequented by the public. A dog that is vicious at any time will not be considered under restraint.

B. Nuisance:

1. Violation: It is unlawful for any owner of an animal to fail to exercise the responsibility necessary proper care of his/her animal in order to prevent it from disturbing the peace and quiet of persons residing in two or more residences in the neighborhood by allowing such animal to continue barking, howling and/or whining audible beyond the property line of the premises on which the dog is located for more than:

a. Fifteen (15) minutes with less than 1 minute intervals or thirty (30) minutes intermittently between the hours of 10:00 p.m. and 7:00a.m.

b. One (1) hour sustained at any time of the day or three (3) hours intermittently for 3 consecutive days.

2. Penalty and Enforcement for Nuisance Animal Violations: A violation of this section shall result in a notice of violation issued if the owner of the animal is not the same as the owner of the property where the offence occurred; the property owner will also be issued a violation. If it can be shown that there is a prowler or something taunting the animal a notice will not be issued. A maximum of two notices will be allowed within any 12 month period. The third offence shall result in a citation being issued and the owner of the animal being charged with a misdemeanor, punishable as provided in Idaho Code 18-113, as amended. In addition the misdemeanor may result in the removal of the animal. The expense of such work shall be billed to and paid by the owner of the property where the misdemeanor occurred, and if not paid within 30 calendar days, assessed against the property involved and collectable as general taxes.

4-2-5: **IMPOUNDING:**

- A. Power To Impound: Any dog at large as prescribed in this Chapter may be taken by the TCSO, the shelter master or by the animal care and control officer and impounded in an animal shelter and there confined in a humane manner.
- B. Redemption: At any time that 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 by the animal shelter for such impoundment. The owner reclaiming an impounded animal may also be cited for a violation of this chapter and his license may be revoked.
- 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. (TC Ord. 052200, 5-22-2000, Amd. 12-16-2010; VCC11-0427, 4-27-11.)

4-2-6: **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 been bitten any person, such dog shall be impounded in the animal shelter by the animal control officer or other person authorized by the TCSO.
- 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 of, if the owner of the dog is unknown.
- 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, 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.

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 and/or conducting laboratory tests on the animal.

- E. Redemption: Following the ten (10) day impoundment, the owner of the impounded dog 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 from and after the ten (10) day impoundment, such dog may be humanely disposed. (Amd. 12-16-21)
- G. Notice to Victim: The shelter master shall attempt to notify the victim of the dog bite of the results of impoundment. (TC Ord. 052200, 5-22-2000; VCC11-0427, 4-27-11.)

4-2-7: **ADOPTION; FEE:** The shelter master or animal control officer is authorized to place for adoption all animal, which have 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 or animal control officer an adoption fee. (TC Ord. 052200, 5-22-2000, Amd. 12-16-10)

4-2-8: **ADDITIONAL RESTRICTED AND PROHIBITED ACTS:**

- A. Dogs at Large: It shall be unlawful for any person to own, harbor or have in his/her control a dog, whether licensed or not, which dog is found at large upon the streets or alleys of the county, or in any public place in the county or within the incorporated city limits of any such city that has adopted the county ordinance, or upon any other premises without the consent of the person in possession of such premises. See Idaho Code §25-2803-2804 and any amendments.
- B. No Dogs in City Park: No dogs shall be permitted in the Main Street City Park at any time, except in each instance in which the City has issued a Special Event Permit to an individual or organization for the use of public or City property. (Ord. 0513, Amd. 05-10-17)
- C. No Dogs at City Owned Playgrounds: No dogs shall be permitted within twenty five feet (25') of any City owned playground apparatus. .
- D. Female Dogs in Heat: Each female dog, when in heat, shall be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a nuisance. The owner of the female dog in heat that is found to be at large more than once in one year shall, in addition to any criminal penalties,

pay a civil fine which amount shall be determined by resolution of the Victor city council.

- E. Unneutered Males at Large: The owner of an unneutered male that is found to be at large more than once in one year shall, in addition to any criminal penalties, pay a civil fine, the amount of which will be determined by resolution of the Victor City Council.
- F. Rabies Suspects: It shall be unlawful for a person to own, keep or harbor any dog afflicted with rabies. The owner of a dog showing symptoms of rabies, or of an unvaccinated dog which has been bitten any person causing an abrasion of 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 in accordance with Section 4-2-6 of this chapter.
- G. Vicious Dogs: It shall be unlawful for any person to own, harbor, or have in his/her possession any dog or dogs which, when unprovoked, acts in a manner consistent with the definition of a "vicious dog" as defined in section 4-2-2 of this chapter and Idaho Code. Any person who violates the provisions of this section is guilty of a misdemeanor. Such dog or dogs shall be prohibited and may be subject to impoundment pursuant to section 4-2-5 of this chapter. For a second subsequent violation of this subsection the court may direct the appropriate authorities to destroy the dog. See Idaho Code§ 25-2805 and any amendments.
- H. Cruelty and Inhumane Treatment Prohibited: Animal owners or caretakers are responsible for the proper care and treatment of animals. No owner, caretaker or anyone else shall treat an animal with cruelty as defined in this Chapter. Any person who violates the provisions of this section is guilty of a misdemeanor.
- I. Possession of Impounded Dogs: No person shall have in his or her possession in the care, custody or control of any dog that has been impounded by the animal care and control officer or other official and has not been properly released by the animal care and control officer or other authorized agent or official following payment of all impoundment fees and costs.
- J. Concealing Animals: It is unlawful 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 or TCSO's enforcement of any part of this chapter.

4-2-9: **FINES AND PENALTIES:**

- A. Any person violating any of the provisions of this Chapter for which a fixed fine has not been designated shall be deemed to have committed an infraction punishable in accordance with Idaho Code.

B. Payment of all fines under this chapter is to be paid to the Teton County clerk only and is subject to court costs. In the event that any fine is not paid within the time period prescribed, 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. (TC Ord. 052200, 5-22-2000; VCC 11-0427, 4-27-11.)

4-2-10: COMMERCIAL AND NONCOMMERCIAL KENNEL LICENSES:

A. Number of Dogs Allowed in One Household: It shall be unlawful to keep, maintain or harbor or possess, upon the premises of any one household, more than three (3) dogs over the age of three (3) months unless the owner or person in charge hereof shall have obtained a noncommercial kennel license or a commercial kennel license.

B. Application for License: Application for a noncommercial or commercial kennel license shall be made at the city hall at the same time all dogs are licensed. The application shall state the name and address of the owner, where the kennel is to be located, the number of dogs and shall be accompanied by a deposit of an application fee of five dollars (\$5.00) for four (4) dogs, and an additional one dollar (\$1.00) for each dog over four (4), which deposit shall be returned to the applicant if the license is not finally issued.

C. City Council Hearing: The applicant shall be required to notify by certified mail or by personally contacting and obtaining the signature of the adjoining property owners within one hundred feet (100') of the property and invite them to attend a hearing to be held by the Victor city council to determine final status of the license. The date of the hearing shall be determined by the city clerk/treasurer at the time the application is filed at city hall. Certified mailings must be made over ten (10) days prior to the date of the council hearing.

D. Expiration: Noncommercial kennel licenses shall not be transferable, and shall expire on December 31 of the year in which it was issued. Whenever additions are made to the number of dogs for which a kennel license has been issued, the licensee shall within three (3) days report to the city hall and pay the required license fee; provided, however that whenever puppies are born, such puppies shall not be counted as additions until three (3) months old.

E. Individual License Required: The issuance of a noncommercial kennel license shall not eliminate the necessity of obtaining an individual dog license, nor shall any of the provisions hereof be deemed to vary or alter any of the zoning regulations of the city.

F. Animal License Fee: For every kennel maintained for dogs registered under the rules and regulations of the American Kennel Club, it shall not be necessary to license individual dogs, but the owner of such kennel shall pay an annual license fee of twenty five dollars (\$25.00); provided, however, that all dogs covered by any such kennel license shall be maintained and kept within the kennel or under leash at all times. (Ord. 93-1207, 12-7-1993; VCC 11-0427, 4-27-11.)

4-2-11: **DETERMINATION OF FEES, FINES:**

- A. The fines are those fines set forth by resolution of the Teton County Board of Commissioners unless modified by the City of Victor, to be published for two (2) consecutive weeks after said resolution and to be enforced not sooner than thirty (30) days following the date of publication.
- B. Fine and Fees are required to be paid even if the dog owner chooses not to reclaim the impounded animal from the animal shelter.
- C. Unless otherwise provided by resolution of the Teton County Board of Commissioners, the fines set forth in this section regarding maintenance and impounding of animals are as follows:
 - 1. For keeping any dog, the shelter master's daily rate.
 - 2. For veterinary expense, the actual cost thereof.
- D. Payment of all fines under this chapter is to be paid to the Teton County Clerk only and is subject to court costs.
- E. 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 and 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.

4-2-12: **COMPLIANCE STANDARDS:** Compliance with the following nationally recognized group standards: American Kennel Club, Mush with PRIDE, American Boarding Kennels Association, Stock Dog Club of America, The Humane Society of United States, and the National Animal Control Association, shall be an affirmative defense to a violation of any of the provisions herein. (TC Ord. 052200, 5-22-2000; VCC 11-0427, 4-27-11.)