

# CHAPTER 4

## DOG CONTROL

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**5-4-1:** DEFINITIONS: Words and terms used in this chapter shall be as adopted and defined in Title 5, Criminal Code, Chapter 3, Animals, Section 15, Definitions, of this City Code.

**5-4-2:** LICENSING: The keeping of any dog within the City of Ammon is hereby forbidden unless the owner, custodian, or keeper, or person harboring the dog shall procure a license from the City for such dog. This provision shall not apply to a dog under three (3) months of age, nor shall it apply to a non-resident keeping a dog within the City for no longer than sixty (60) days. In any prosecution for a violation of this section, the absence of a tag to be appended to a dog, as provided in section 5-4-5 of this Chapter, shall be *prima facie* evidence that the dog has not been legally licensed.

Dogs kept or maintained in a commercial dog kennel need not be individually licensed but must be restricted to the premises or on leash and under control at all times.

Dogs used as guides for blind persons and commonly known as "seeing eye dogs" shall be licensed and registered as other dogs herein provided for, except that the owner, custodian, or keeper of such dog shall not be required to pay any fee therefore.

**5-4-3:** VETERINARY HOSPITAL AND ANIMAL SHELTER: No dog license fee pursuant to section 5-4-2 above shall be required of any veterinary clinic or hospital or animal shelter.

**5-4-4:** ANNUAL LICENSE FEE: The license fee for dogs for each calendar year or part thereof shall be as set by the City Council by duly adopted resolution from time to time. If the license fee is not paid by January 31 of each year, the fees as set shall be double. All licenses shall expire on the 31st day of December of the year for which they are issued. No part of any dog license fee shall be refundable.

In case a dog is brought within the corporate limits of the City within six (6) months of the end of the license year herein designated, the owner or person having such dog in charge shall pay one-half ( $\frac{1}{2}$ ) of said amount as herein designated and the City Clerk shall thereupon issue a license as in other cases; provided, however, that the provisions of this section shall not apply to any person visiting in the City for a period not exceeding sixty (60) days and owning or possessing a dog currently licensed and bearing the license issued by another licensing authority, nor shall it apply to any dog which has strayed into the City but is duly licensed by and wearing the tag of another licensing authority.

**5-4-5:** LICENSE TAG: Upon payment of the required license fee, the City Clerk or designate shall issue a license to the person applying therefore, which license shall remain in force until December 31 of that year. The Clerk shall furnish with such license a metal tag which shall be stamped with a number corresponding to the number of such license and the year for which it is issued. Such tag shall be appended to a collar to be worn by the dog at all times. If a dog tag is lost or destroyed, a duplicate tag shall be issued upon a showing of payment of the license fee for the current year and payment of the cost as determined by the City Council for issuing a duplicate tag.

**5-4-6:** RECORD OF LICENSE: The Clerk shall keep a suitable record of the licenses issued under the provisions of this Chapter and shall record all of the facts required to be stated in the license. Duplicate records of licenses issued may be properly maintained by the Animal Services Manager at the Animal Shelter.

**5-4-7:** LICENSE TAG--PROHIBITED ACTS: It shall be unlawful for any person to remove, steal, mutilate, or destroy the license identification tag of any dog. It shall be unlawful for any person to refuse to show or exhibit, at any reasonable time or under any reasonable circumstance, to any Animal Control Officer any dog in his or her possession or custody, or to show any license or identification tag issued therefore.

**5-4-8:** TRANSFER OF OWNERSHIP: It shall be unlawful for any person to use any license tag for any dog other than the one for which it is issued. If there is a change in ownership of a licensed dog, the new owner shall apply for and obtain a new license.

**5-4-9:** LICENSE:

- (A) The City Clerk may, after ten (10) days written notice, revoke any license if the person holding the license fails or refuses to comply with any provision of this Chapter.
- (B) Any person whose license is revoked shall, within ten (10) days thereafter, remove the dog from the City or humanely dispose of the dog, and no part of the license fee shall be refunded.
- (C) It shall be a condition of the issuance of any dog license that any police officer or Animal Control Officer shall be permitted to inspect all dogs, at any reasonable time, and, if permission for such inspection is refused, the dog license shall be revoked.
- (D) The withholding or falsification of any required information on an application shall be grounds for refusal to issue a license or for revocation of a license which has been issued.
- (E) All dogs over six (6) months of age kept, harbored, or maintained by any person in the City shall be vaccinated for rabies by a licensed veterinarian. Proof of vaccination and neutering/spaying must be presented at time of licensing. Renewal of licenses shall require only documentation showing proof of current vaccinations.

**5-4-10:** CONFINEMENT AND CONTROL:

- (A) It shall be unlawful for a responsible party to tether a dog while outdoors, except when the following conditions are met:
  1. A tether no less than ten (10) feet in length is used in compliance with the requirements of this code.
  2. The tether is connected to the dog by a buckle-type collar or a body harness made of nylon or leather, appropriate for the size and weight of the dog.

3. The total weight of the tether does not weigh more than one-eighth (1/8) of the dog's weight.
4. The dog is tethered in such a manner as to prevent injury, strangulation or entanglement.
5. The dog has access to shelter.

(B) Owners and custodians of dogs shall exercise diligence and reasonable care to restrain and confine their dogs on the owner's or custodian's property. Adequate restraint exists when the dog is:

1. Enclosed within a house, building, fence, pen or other enclosure where the dog cannot climb, dig, jump or otherwise escape. Such enclosure must be securely fastened anytime the animal is left unattended.
2. Use of invisible fencing (dog must be wearing a working collar).
3. Tethered in compliance with this ordinance.
4. On a leash held by a competent person.
5. Off leash but under voice control and obedient to that person's commands and that person is present with the dog at all times.

**5-4-11: PRIMARY LIVING AREA (OUTDOOR):** Anytime a dog is housed outdoors for a period of twelve (12) hours or more in a twenty-four (24) hour period a living area shall be provided.

An enclosure used as the primary living area where the dog regularly eats, sleeps, drinks, and eliminates shall be a minimum of one-hundred fifty (150) square feet.

Fifty (50) percent of the required space should be added for the second and each subsequent dog kept within the enclosure.

The Animal Control Officer is given discretionary authority to determine whether a dog's living area shows a lack of minimal care such as to constitute cruel impoundment under Title 5, Criminal Code, Chapter 3, Animals.

**5-4-12: DOGS AT LARGE:**

(A) Any person who shall harbor or keep on his premises or in his control any dog which by loud and unusual barking or howling shall disturb the peace and quiet of the neighborhood or the occupants of adjacent premises shall be guilty of a misdemeanor. For the purpose of this section, any dog which excessively, continuously, or untimely barks, molests passersby, chases vehicles, habitually attacks or destroys other domestic animals, trespasses upon school grounds, or trespasses upon private property in such a manner as to damage property, shall be deemed a nuisance.

(B) It shall be unlawful for any owner, custodian, or keeper of a dog to allow said dog to be on any public street, alley, sidewalk, or any public way or public place within the City unless said dog is on a leash not exceeding eight (8) feet in length or is confined within a vehicle; provided, however, the Mayor may, upon application of any person, authorize within the City dog shows, exhibitions, and dog training courses allowing the dogs participating therein to be controlled by competent attendants. Further, the City Council

may designate such areas of the City which may be used, subject to such rules and regulations as may be prescribed, for the training or exercise of dogs. Dogs within such areas so designated need not be controlled by leash, but shall be under the control of a responsible person and controlled by whistle, voice, or other effective command.

- (C) It shall be unlawful for any owner, custodian, or keeper of a dog to allow said dog to run upon any property in the City without the consent of the owner or tenant in possession of said property. The fact that such dog runs at large by reason of some other person's actions, failure to act, or by other event or circumstance shall not be a defense to prosecution under this section.
- (D) Female dogs in heat are prohibited from running at large. The owner of a female dog shall cause such dog, when in season, to 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 public nuisance.
- (E) It shall be unlawful for any person to let to a female dog any dog, except within an enclosure so arranged as to obstruct such animal completely from the view of all persons who have no proprietary interest in the breeding of such animals.

**5-4-13: OFFENSES:** No person owning, harboring, controlling, or keeping any dog shall permit the dog to do any of the following acts:

- (A) Bite or attempt to bite any person;
- (B) Scatter garbage, refuse, or debris;
- (C) Chase any person, vehicle, or animal;
- (D) Deposit fecal material on any property not that of its owner or custodian;
- (E) Bark, howl, or otherwise cause noise which disturbs or is likely to disturb the peace and quiet of any person.

**5-4-14: PROHIBITED ACTS:**

- (A) No person shall keep or harbor, within the City, any vicious dog, as defined in section 5-4-1 above.
- (B) No person shall keep, harbor, or maintain a dog or dogs within the City in such a manner that the keeping of the same results in a nauseous, foul, or offensive condition. Such condition may be determined by the reasonable discretion of the Animal Control Officer.
- (C) No owner or custodian of a dog shall fail to provide minimum care. In addition, it is unlawful for any person or persons to willfully and maliciously administer or cause to be administered poison of any sort whatsoever to any dog or other animal, the property of another, with the intent to injure or destroy such dog or other animal or to willfully or maliciously place any poison or poisoned food where the same is accessible to any dog or other animal.

- (D) No person shall beat, cruelly ill-treat, or abuse any dog or, having the right or authority to kill any dog, to kill such dog in an inhumane manner.
- (E) No owner of a dog shall abandon such dog.
- (F) The owner or any person having control over or charge of any animal shall be responsible for the removal of feces deposited by the animal or animals in any public place, including but not limited to sidewalks, streets, planting strips, parking lots, parks, recreational areas, or on private property not in the ownership or control of the person having control or purporting to have control over or charge of the animal or animals. Any person violating this subsection shall be guilty of an infraction and shall be subject to the penalties imposed for infraction violations.

**5-4-15: KENNEL PERMIT REQUIRED:** It shall be unlawful to keep, maintain, harbor, or possess upon the premises of any one household or upon the premises of any one business property more than three (3) dogs of licensing age unless the owner or person in charge thereof shall have obtained a kennel permit.

A kennel permit shall be required under the following conditions and following the requirements as listed below:

- (A) A kennel permit shall be required when the owner, custodian, or keeper of dogs shall sell, board, maintain, harbor, possess, treat, breed, or train dogs and receive compensation, consideration, or derive any benefit in return for such activities (commercial boarding facilities and veterinary clinics offering boarding shall be exempt but must be licensed as a commercial business).
  - 1. If more than two (2) litters of puppies are born in any twelve (12) month period at any one household or upon the premises of any one business property, such shall be presumed to be a kennel.
  - 2. Puppies, from any litter, over the licensing age remaining within a residence or business, shall be included in the number of dogs calculated in relation to the requirements of a kennel permit.
- (B) If more than three (3) dogs of licensing age are maintained, harbored, or kept (with or without compensation, consideration, or benefit) at any one household or upon the premises of any one business property, such shall be presumed to be a kennel.
- (C) Application for a kennel permit shall be made to the Clerk. The original application must state the zone in which the kennel will be maintained (No permit shall be issued to any person living in an R2-A, R-3 or R3-A zone without the written permission of the property owner of record). Additionally, such permit shall not be issued unless at least eighty percent (80%) of the persons in possession of premises and/or property owners as necessary within two hundred and twenty-five (225) feet of the premises have consented to the operation of said kennel. Upon receipt of application for a kennel permit, the City Clerk shall submit to the Animal Control Officer or designated appointee, the application for processing. After receipt, Animal Control or designated appointee, shall prepare and submit a letter explaining said request to each address within the designated two hundred and twenty-five (225) feet area. A period of fourteen (14) days shall be allowed for response from each address, prior to approval of a kennel permit.

(D) Applications for a kennel permit shall be submitted on a form provided by the City Clerk and shall include the following items:

1. A processing fee, equal to the kennel permit fee shall be charged. In the event the application is denied, no refund shall be issued.
2. The name and address of the applicant.
3. The number of dogs presently kept and the breed(s) of the dogs.
4. The sex of each dog and indication if dogs are spayed or neutered.
5. Records of each dog showing rabies vaccinations.

(E) Any approved kennel permit, issued by the City Clerk, shall be approved only for the number of dogs listed on the permit at the time of approval. In the event the number of dogs is increased above the number as approved on the permit, a new permit shall be required following all guidelines, requirements and fees as outlined in this chapter.

(F) The following shall pertain to all kennel permits issued within the City:

1. There shall be a onetime permit fee for all kennel permits within the City.
2. Kennel permits shall be issued in the name of the applicant residing at the address of the application. Permits shall not be transferable to another person or address.
3. There shall be no expiration date for an approved kennel permit except that the City shall have the right to revoke any permit if there has been more than one complaint filed in writing with Animal Services regarding the applicant's maintenance or conditions of such kennel in a calendar year. Any person that has received notice of revocation may request a review of the issued permit, which shall be subject to all requirements and procedure of a new kennel permit application, including but not limited to fees and application requirements.
4. Issuance of a dog kennel permit shall not authorize the construction or use of any building or structure in violation of the provisions of the Zoning Ordinance.

(G) Kennel permit fees shall be determined by a schedule of fees adopted by the City Council by resolution which may be amended from time to time.

**5-4-16: IMPOUNDING OF DOGS:**

(A) All dogs found running at large are declared to be a public nuisance, and it shall be the duty of the Animal Control Officers to take them up and impound them.

(B) The Animal Control Officers shall have the duty to take up and impound any vicious dog as defined in this Chapter found within the City limits.

(C) Animal control is authorized to immediately impound any animal which:

1. Appears to be deprived of minimum care as specified in section 5-4-14 (C) and the wellbeing of animal is compromised.
2. Appears to have been cruelly treated as described in section 5-4-14 (D)
3. Left in an unattended vehicle and is deprived of adequate ventilation or is subject to extreme temperatures as specified in section 5-3-3 (A)

Animal control shall leave at the place where the animal was impounded a conspicuous notice indicating that the animal has been impounded by the City, the reason(s) why the animal was impounded, the time and date of impoundment and the address and phone number where the animal is impounded.

(D) All animals impounded at the shelter shall comply with the rules and regulations set forth by that shelter.

**5-4-17: INTERFERENCE WITH IMPOUNDMENT:**

(A) No person shall interfere with, hinder, delay, or impede a police officer or Animal Control Officer in the enforcement of the provisions of the Chapter.

(B) No person shall falsely represent to any police officer or Animal Control Officer his or her address, non-ownership of impounded dogs, or other required information.

**5-4-18: IMPOUNDMENT, REDEMPTION, AND DISPOSAL OF:**

(A) Unlicensed Dogs: All dogs not licensed or not identified by tag found running at large shall be retained in the Pound for a minimum of seventy two (72) hours. At any time during said seventy two (72) hours, the owner, custodian, or keeper of said dog may redeem same by procuring a license as in this Chapter      provided, and by paying in addition a fee to the Animal Services Manager and a per diem charge as shall be set by the Council from time to time by resolution.

(B) Unlicensed Vicious Dogs: All vicious dogs not licensed or identified by tag shall be retained in the Pound for a minimum of seventy two (72) hours. The Animal Services Manager or his authorized representative shall serve a notice on the owner, custodian, or keeper of the dog (if known) as provided in 5-4-18, stating that the dog has been impounded as a vicious dog and that the dog will be destroyed within ten (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, requiring the City to show cause why the dog should be destroyed. Such notice shall be deemed to be given as of the date of its delivery to the owner, custodian, or keeper of the dog or if by mail such notice shall be deemed to be complete upon deposit in the United States mail, postage prepaid, to the owner, custodian, or keeper at his or her address. If such order to show cause is not served upon the City within ten (10) days of the date of such notice, the dog shall be destroyed and disposed of as provided herein. If the order to show cause is issued and served within ten (10) days of delivery of the notice, the dog shall be retained in the pound until further order of the court. If the owner, custodian, or keeper is not known, or

cannot be discovered and the dog is not claimed after seventy two (72) hours, the dog may be disposed of as provided in 5-4-22.

(C) Licensed Dogs: All licensed and properly identified dogs found running at large shall be retained in the Pound for a minimum of five (5) days after the owner is notified of the impoundment. As soon as reasonably possible following the impoundment of a properly identified dog, the Animal Services Manager shall give notice of the impoundment to the owner of the dog, by telephone if possible. If the dog is not redeemed within twelve (12) hours after impoundment, the Animal Services Manager may notify the owner of the impoundment by mailing notice to the owner at the address furnished to the Clerk at the time of licensing. At any time during the stated five (5) days period, the owner may redeem said dog by paying an impound fee to the Animal Services Manager and a per diem charge as shall be set by the City Council from time to time by resolution. The five (5) day period shall commence to run at noon on the day following the posting of the letter.

(D) Licensed Vicious Dogs: If a vicious dog is licensed and properly identified with a dog tag, the Animal Services Manager shall notify the owner of the impoundment within forty eight (48) hours of the impoundment. If notice is made by mail, such notice shall be deemed to be complete upon deposit in the United States mail, postage prepaid, addressed to such owner at such address. This notice shall state that the dog has been impounded as a vicious dog and that the dog will be destroyed within ten (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, requiring the City to show cause why the dog should be destroyed. If such order is not served upon the City within ten (10) days of serving of the notice, the dog shall be destroyed as provided in this Chapter. If the order to show cause is issued and served within ten (10) days of mailing of the notice, the dog shall be retained in the pound until further order of the court.

**5-4-19: DISPOSITION OF DISEASED OR INJURED DOGS:** If the Animal Control Officer or the animal shelter reasonably believes that a dog who is sick, diseased, or injured would pose a threat to the health of other dogs with whom it would associate, or if the pain and suffering is severe and it appears to be permanent, the Animal Control Officer or the shelter has the authority to dispose of the dog in a humane manner.

**5-4-20: NOTICE OF IMPOUNDING:** Not later than forty eight (48) hours after the impounding of any dog, the owner, if known, shall be notified, either personally or by first class mail addressed to the owner at his last known address, of said impoundment, describing the animal and the place and time of taking and the place and time the animal may be redeemed.

**5-4-21: REDEMPTION OF IMPOUNDED DOGS:** The owner, keeper, or lawful custodian of any dog impounded under the provisions of this Chapter may reclaim such dog within three (3) days after receiving personal notice, or five (5) days after the mailing of notice; provided, that said dog shall be released to the owner or custodian only upon payment of the dog license fee, if unpaid, and all impoundment charges and costs of maintaining said animal, which charges shall be as determined by the City Council by duly adopted resolution from time to time. In addition, any animal that has been impounded at the shelter must comply with the rules,

regulation and fees as set by the designated shelter of the City. No dog shall be released from impoundment until a current license for the dog has been obtained and all fees have been paid.

**5-4-22: DISPOSITION OF UNCLAIMED DOGS:** Any dog unclaimed or not redeemed within the period of time as herein stated may be sold by the Animal Services Manager to any person for the best price obtainable.

**5-4-23: RABIES AND QUARANTINE:** If a dog has bitten, scratched, or otherwise attacked a person, the owner of such dog or any person having knowledge of such incident shall immediately notify the police department and the health officer. The Animal Control Officer shall have authority to require the owner of any dog which has bitten any person so as to cause an abrasion of the skin, or showing of rabies, to subject such dog to impoundment at the regular daily fee, or to a practicing veterinarian for quarantine, or in an enclosure approved by an Animal Control Officer from which it cannot escape and which is not accessible to the public, and shall be kept for a minimum period of ten (10) days, and if such dog shall be determined free of rabies, the dog shall be returned to the owner. If the impoundment fee is not paid, the dog will be subject to disposal as herein provided.

Further, it shall be the duty of all practicing veterinarians to report to the health officer all cases of rabies or suspected rabies with which he comes into contact or to which his attention has been directed.

No person shall kill or cause to be killed any rabid dog, any dog suspected of having been exposed to rabies or any dog biting a human, except as herein provided, nor remove same from the City limits without written permission of the health officer.

**5-4-24: DISPOSAL OF DOGS:** In case any dog is not redeemed or sold as herein provided for, the dog shall be destroyed by euthanasia and the carcass disposed of in any lawful manner.

**5-4-25: CITATION AND APPEARANCE:** Any violation of the provisions of this Chapter may result in a citation issued by any duly authorized officer or Animal Control Officer. Such owner, custodian, or keeper of any dog or dogs that have been determined by the officer to have violated any provisions of this Chapter shall be subject to a written citation and such officer shall have prepared and served upon such owner, custodian, or keeper a written citation containing a notice to appear in court, the name and address of the person charged, the offense charged, the time and place when and where the offense charged occurred, and the time when the person charged shall appear in court and such other pertinent information as may be necessary or desirable. Provided further, that said owner, custodian, or keeper of such dog or dogs shall appear in court within fifteen (15) days after such citation is issued. Complaint may be filed for any violation or refusal to appear in court on any citation as in any proceeding for the violation of ordinances. It shall be unlawful for any person issued a citation to fail to appear in response to such citation as required thereby.

**5-4-26: RIGHT OF ENTRY:** In the enforcement of any provision of this Chapter, any duly authorized officer or Animal Control Officer is authorized to enter the premises of any person to

take possession of any fierce, stray, dangerous, or vicious dog, dogs at large, dogs which have committed an act prohibited by city ordinance, or other animals when in fresh pursuit of such dog at the time the dog goes onto private property, whether licensed or unlicensed, and as otherwise provided in this title and by law.

(A) Badges: Each Animal Control Officer, while performing such person's respective duties, shall wear a metallic badge of a size and design to be determined by the supervisor. Such badge remains the property of the City and shall be returned to the City immediately upon cessation of employment.

**5-4-27:** PENALTIES: Any person violating provisions of this chapter section 5-4-14-B, E or F shall be guilty of an infraction and subject to the penalties as provided for in section 1-4-2. Any person violating any other provisions of this chapter shall be guilty of a misdemeanor and subject to the penalties as provided for in section 1-4-1. Each Violation shall be deemed a separate offense and each day of said violation shall be deemed a separate offense assessed on a per violation, per day basis.

**5-4-28:** ADDITIONAL REMEDIES: Any violation of this Chapter which continues for more than twenty four (24) hours is hereby declared to be a nuisance, and, in addition to any other civil or criminal remedies, the City may cause such condition to be abated in the manner provided by law.