

ORDINANCE NO. 1095

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING CHAPTER 6.08.081; AMENDING CHAPTER 6.08.084; AMENDING CHAPTER 6.08.100(B) TO CHANGE COSTS DUE TO THE CITY FOR IMPOUNDING A DOG RUNNING AT LARGE; AMENDING CHAPTER 6.08.110 TO DELETE THE TIME PERIOD REQUIRED FOR GIVING NOTICE; AMENDING CHAPTER 6.08.140 TO ALLOW THE CITY TO HOLD A DOG FOR EVIDENTIARY PURPOSES AND TO PROVIDE FOR A HEARING BEFORE THE CITY COUNCIL; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ALLOWING FOR PUBLICATION BY SUMMARY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO;

Section 1. Chapter 6.08.081 of Title 6 of the Payette Municipal Code is hereby amended as follows:

6.08.081 Violations and penalties. Any person whoever violates the provisions of this section shall be fined not more than three hundred dollars or imprisoned not more than sixty days, or both. In addition, any vicious dog which attacks a human being or another domestic animal may be ordered destroyed when in the court's judgment, such vicious dog represents a continuing threat of serious harm to human beings or domestic animals. In addition, any person found guilty of violating Section 6.08.081 shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

Section 2. Chapter 6.08.084 of Title 6 of the Payette Municipal Code is hereby amended as follows:

6.08.084 Insurance. All owners, keepers or harborers of pit bulls and any other dog fitting the definition of a vicious dogs must within ten days of the effective date of this section provide proof to the Payette City Clerk of public liability insurance in a single incident amount of one hundred thousand dollars for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten days' written notice is first given to the Payette City Clerk.

Section 3. Chapter 6.08.100(B) of Title 6 of the Payette Municipal Code is hereby amended as follows:

B. The owner of any dog so impounded may reclaim such dog

upon the procural of a license, if lacking, and the payment of all costs and charges incurred by the city of impounding and maintaining such dog, and by signing an affidavit of ownership of said dog. Such affidavit shall contain a full description of the dog. to include breed, sex, color, height and weight, plus other information as shall be required by the ~~chief-of-police~~Director of Public Safety. For such occurrence of impounding a dog running at large, the owner thereof shall pay to the city any and all costs or charges in capturing, impounding, maintaining or boarding a sum of five dollars per day or portion thereof for the costs and charges for keeping the dog.

Section 4. Chapter 6.08.110 of Title 6 of the Payette Municipal Code is hereby amended as follows:

6.08.110 Impoundment--Disposition of unclaimed dogs. ~~All dogs impounded shall be kept until the time period required for giving notice, as provided for in Section 6.08.100, has expired.~~ The owner, or representative of the owner, of any dog which may be taken up and impounded under the provisions of this chapter, may recover possession of such dog upon payment of fees and costs provided for in subsection B of Section 6.08.100. If possession of any dog is not recovered as set forth in Section 6.08.100, the dog may be disposed of by delivery to any person who will pay the license fee and costs herein provided, or the dog may be destroyed in a humane manner.

Section 5. Chapter 6.08.140 of Title 6 of the Payette Municipal Code is hereby amended as follows:

6.08.140 Police authority. A. In the enforcement of any provision of this chapter, any police officer or other public officer is authorized to enter the premises of any person to take possession of licensed or unlicensed, fierce, dangerous or vicious dogs when in fresh pursuit of any such dog ~~at the time the dog goes onto private property~~ or to seize and hold the dog for evidentiary purposes during any court proceedings. In the event a person desires to have any seized animal returned during the pendency of any court action, that person may request a hearing before the City Council. At the hearing, the Council will consider evidence of the animal's vicious propensities, if any, the probability of any repetition of any vicious behavior, the possibility that the dog will be secreted or removed from the jurisdiction or such other factors as the Council may deem relevant to whether or not the animal should be returned.

Section 6. Any ordinances which are in conflict with this ordinance are hereby repealed, but only insofar as the conflict exists.

Section 7. If any portion of this ordinance should be found to be unconstitutional or unenforceable for any reason, the

remainder of the ordinance shall constitute ordinance number 1095.

Section 8. This ordinance may be published by summary in accordance with the statutes of the state of Idaho.

Section 9. This ordinance shall be in full force and effect immediately upon passage and publication as required by law.

Passed and approved by the Mayor and City Council this 20th day of March, 1995.

CITY OF PAYETTE

By James E. McCue
Mayor

ATTEST: John P. Franks
City Clerk