

ORDINANCE 1400

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 6.08.010, DEFINITIONS, 6.08.020 LICENSE REQUIREMENTS, 6.08.030 LICENSE TAGS, 6.08.050 POLICE AUTHORITY, 6.08.060 OFFENSES AND CONDITIONS, 6.08.070 HARBORING OF VICIOUS DOGS, 6.08.090 KEEPING GUARD DOGS, AND 6.08.107 IMPOUNDMENT PROCEDURES; ADDING NEW SECTIONS 6.08.072 IMPOUNDING VICIOUS DOGS, AND 6.08.107 APPEALS; AND REPEALING SECTIONS 6.08.080 GUARD DOGS EXCEPTED, 6.08.100 INSURANCE, 6.08.101 IDENTIFICATION PHOTOGRAPHS, 6.08.102 PIT BULLS PROHIBITED, 6.08.105 IMPOUNDING, AND 6.08.106 RESTRICTIONS; AND RENUMBERING SECTION 6.08.107 IMPOUNDMENT PROCEDURES TO 6.08.105 IMPOUNDMENT PROCEDURES, OF CHAPTER 6.08, DOGS, PAYETTE MUNICIPAL CODE; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY

WHEREAS, Chapter 6.08 of the Payette Municipal Code of the City of Payette, Idaho, contains provisions relating to vicious and nuisance dogs; and,

WHEREAS, the City Council desires to amend this Chapter in order to better protect Payette citizens from the threat vicious dogs impose and to provide penalties for those who violate provisions of Chapter 6.08; and,

WHEREAS, the City Council finds that the presence of vicious, ferocious, or dangerous dogs within the City of Payette constitutes a clear and present danger to the public health, safety, and welfare of the citizens of the City of Payette; and,

WHEREAS, the City Council has determined that the public health, safety, and welfare of the citizens of the City of Payette require the establishment of regulations regarding the sale, ownership, and harboring of such dogs; the confinement and impoundment of such dogs; the registration of such dogs; and procedures necessary to protect the public from such dogs.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO, AS FOLLOWS:

Section 1: Sections 6.08.010, DEFINITIONS, 6.08.020 LICENSE REQUIREMENTS, 6.08.030 LICENSE TAGS, 6.08.050 POLICE AUTHORITY, 6.08.060 OFFENSES AND CONDITIONS, 6.08.070 HARBORING OF VICIOUS DOGS, 6.08.090 KEEPING GUARD DOGS, AND 6.08.107 IMPOUNDMENT PROCEDURES, of Chapter 6.08 of Title 6 of the Payette City code are hereby amended as follows:

**Chapter 6.08
DOGS**

- 6.08.010: DEFINITIONS:
- 6.08.020: LICENSE REQUIREMENTS:
- 6.08.030: LICENSE TAGS:
- 6.08.040: KENNEL LICENSE:
- 6.08.050: POLICE AUTHORITY:
- 6.08.060: OFFENSES AND NUISANCE CONDITIONS:
- 6.08.070: ~~HARBORING OF VICIOUS DOGS:~~
- 6.08.072: IMPOUNDING VICIOUS DOGS:
- 6.08.080: ~~GUARD DOGS EXCEPTED:~~
- 6.08.090: KEEPING GUARD DOGS:
- 6.08.100: ~~INSURANCE:~~
- 6.08.101: ~~IDENTIFICATION PHOTOGRAPHS:~~
- 6.08.102: ~~PIT BULLS PROHIBITED:~~
- 6.08.103: RESPONSIBILITY:
- 6.08.104: ACTION FOR DAMAGES:
- 6.08.105: ~~IMPOUNDING:~~
- 6.08.106: ~~RESTRICTIONS:~~
- 6.08.1075: IMPOUNDMENT PROCEDURES:
- 6.08.107: APPEALS:
- 6.08.108: DISPOSITION OF UNCLAIMED DOGS:
- 6.08.109: OWNERS TO PAY COSTS:
- 6.08.110: PENALTIES:

6.08.010: DEFINITIONS:

AMERICAN BULLDOG: is any dog having the characteristics of the breed known by said name or any mixed breed of dog which contains, as an element of its breeding, the breed of American Bulldog as to be identifiable as partially of the breed of American Bulldog.

CANARY DOG: means any Canary Dog or Perro de Presa Canario, or any mixed breed of dog which contains, as an element of its breeding, the breed of Canary Dog or Perro de Presa Canario as to be identifiable as partially of the breed of Canary Dog or Perro de Presa Canario.

CANE CORSO: is any dog having the characteristics of the breed known by said name or any mixed breed of dog which contains, as an element of its breeding, the breed of Cane Corso as to be identifiable as partially of the breed of Cane Corso.

CONFINED: Keeping an animal within a secure enclosure or pen that cannot be opened by any person other than the owner or with the owner's assistance or consent and from which an animal cannot escape.

DOGO ARGENTINA: is any dog having the characteristics of the breed known by said name or any mixed breed of dog which contains, as an element of its breeding, the breed of Dogo

Argentina as to be identifiable as partially of the breed of Dogo Argentina.

GUARD DOG: Any dog trained or used to protect persons or property by attacking or threatening to attack any person found within the area patrolled by the dog and that is either securely enclosed within that area at all times or under the continuous control of a trained handler. No person shall possess any ~~pit bull~~-vicious dog as defined in 6.08.010 (A)(3) for use as a guard dog.

IMMEDIATE FAMILY: for purposes of this chapter, includes the owner's spouse, child, parent or sibling.

HANDLER: for purposes of this chapter, means an individual with a disability who is utilizing a service dog, as that term is defined in this chapter, to do work or perform tasks directly related to the individual's disability. If over the age of 21, the handler must also be the owner of the service dog. If under the age of 21, the handler's legal guardian must be the owner of the service dog

MUZZLE: for purposes of this chapter, shall mean a restraining device made of metal, plastic, leather, cloth or a combination of these materials that, when fitted and fastened over a snout/mouth/head, prevents the dog from biting but allows room for the dog to breath and pant. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

VICIOUS DOG SERVICE ANIMAL: For purposes of this chapter, is defined as any dog that meets the definition of "vicious dog" provided in PMC 6.08.010(A)(3), and which also qualifies as a service animal in accord with the Animals of America Service and Therapy Animals requirements.

ORDINANCE OFFICER: That person employed by the city of Payette who has as their primary responsibility the enforcement of all city ordinances including all animal control ordinances.

OWNER: Any person who owns, possesses, keeps, exercises control over, maintains, harbors, feeds, waters, transports, or sells an animal or one who assists another in possession, sale, transport, harboring, feeding, watering or maintenance thereof. An owner need not have any pecuniary, proprietary or economic interest in a dog.

PIT BULL DOG: Any pit bull terrier. "Pit bull terrier" means any ~~dog that is an~~ American pit bull terrier, American bulldog, American Staffordshire terrier, Staffordshire bull terrier,

English pit bull, English Staffordshire terrier, or any breed of dog or any mixed breed of dog ~~exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds, or any mixed breed of dog~~ which contains as an element of its breeding the breed of American pit bull terrier, American Bulldog, American Staffordshire terrier, Staffordshire bull terrier, English pit bull, English Staffordshire terrier, or having appearance and characteristics so as to be identifiable as partially of one or more of such the breeds of American pit bull terrier, American Bulldog, English pit bull, bull terrier, American Staffordshire terrier, Staffordshire bull terrier. ~~The AKC and UKC standards for the above breeds are on file in the office of the city clerk of the city of Payette.~~

SECURE TEMPORARY ENCLOSURE: A secure enclosure used for purposes of transporting a pit bull and which includes a top and bottom permanently attached to the sides except for a door for removal of the animal. Such enclosure shall be of such material and of such construction that when the door is closed the pit bull cannot exit the enclosure on its own.

SECURE PEN OR ENCLOSURE: For the purposes of this chapter, shall mean a six-sided structure designed to prevent entry of a child or escape of a vicious dog. Such pen or structure must have minimum dimensions of five feet by ten feet per animal housed within and must have secure chain-link sides, a secured top and a secure bottom. At a minimum, a pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet (2') (0.6096 meters). The enclosure must provide protection from the elements for the dog. All structures erected to house a vicious dog must comply with all zoning and building ordinances and regulations of the city and shall be kept in a clean and sanitary condition. The gate of the pen or enclosure shall be secured with a keyed or combination lock. All such structures shall be constructed in such a manner, and of such materials, as approved by the Payette city building inspector and the Chief of Police or his appointed representative. A certificate of inspection of the structures shall be made a part of that dog's file at the Payette police department.

VICIOUS ANIMAL: Any animal, other than a "vicious dog", that, without intentional provocation, bites or attacks humans or other animals; or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated.

VICIOUS DOG:

A. Means:

1. A dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings, domestic animals, or livestock; or
2. Any dog which bites or attacks a human being, domestic animal, or livestock, without provocation or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or is capable of being consummated; or
3. Any dog that is an Pit Bull Dog, American pit bull, American pit bull terrier, American Staffordshire terrier, Staffordshire bull terrier, English pit bull, English pit bull terrier, English Staffordshire terrier, pit bull, Presa Canario, Canary Island dDog, Dogo Argentina, American Bulldog, Cane Corso, Russian wolfhound, or wolf hybrid, mountain dog or any dog exhibiting those distinguishing characteristics which substantially conform to the standards established by the American Kennel Club or United Kennel Club for any of the above breeds, if any, or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull, American pit bull terrier, pit bull, American Staffordshire terrier, Staffordshire bull terrier, English pit bull, English pit bull terrier, English Staffordshire terrier, Presa Canario, Canary Island dog, Cane Corso, Russian wolfhound, mountain dog or wolf hybrid, or any dog which has sufficient characteristics so as to be identifiable as partially of the breed of a Pit Bull Dog, American pit bull terrier, American Staffordshire terrier, pit bull, English pit bull, English pit bull terrier, English Staffordshire terrier, Staffordshire bull terrier, Presa Canario, Canary Island Dog, Dogo Argentina, American Bulldog, Cane Corso, Russian wolfhound, or wolf hybrid or mountain dog; as determined by dog owner or by qualified animal control officer, zoologist or veterinarian. It shall be prima-facie evidence that a dog is a Vicious Dog if a qualified veterinarian, zoologist, or animal control officer makes or provides a sworn statement that a particular dog exhibits distinguishing physical characteristics of a pit bull dog, Canary Dog, Dogo Argentina, American Bulldog, Cane Corso or wolf hybrid; or
4. Any dog which is kept with the intention of using its size, manner, disposition, training, or breeding to instill fear in others; or
5. Any dog which is bred, trained, owned, possessed, or kept for the purpose of dogfighting.
- ~~6. A wolf hybrid is any dog which has gray wolf (Canus lupis), timber or eastern timber wolf (Canus lupis lycaon), great~~

~~plains wolf (Canus lupis nubilus), or any animal identified as part of the afore-described animals as a part of its breeding.~~

B. A vicious dog is "unconfined", as the term is used in this chapter, if such dog is not ~~securely~~ securely confined in a ~~securely enclosed enclosure and locked or secure~~ securely enclosed enclosure and locked or secure pen or structure as ~~defined in this chapter~~ upon the premises of the person in possession of such dog, as the term "confined" is defined in this section. ~~At a minimum, a pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet (2') (0.6096 meters).~~ Said pen or structure shall be sufficiently secure to keep unauthorized persons from releasing the enclosed animal. Said pen shall also be sufficiently secure to keep the animal from releasing itself. A list of approved building materials for such structures will be maintained by the Chief of Police and made available upon request. All such structures shall be constructed in such a manner, and of such materials, as approved by the Payette city building inspector and the Chief of Police or his appointed representative. A certificate of inspection of the structures shall be made a part of that dog's file at the Payette police department.

C. A vicious dog is "confined", as the term is used in this chapter, if such dog is securely confined in a securely enclosed and locked pen or structure upon the premises of the person in possession of such dog in a manner described in the definition of "confined" and "secure pen" in this section. ~~At a minimum, such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet (2') (0.6096 meters). Said pen or structure shall be sufficiently secured with redundant locking mechanisms to prevent unauthorized persons from releasing the enclosed animal. Said pen shall also be sufficiently secure to keep the animal from releasing itself. A list of approved building materials for such structures will be maintained by the Chief of Police and made available upon request. All such structures shall be constructed in such a manner, and of such materials, as approved by the Payette city building inspector and the Chief of Police or his appointed representative. A certificate of inspection of the structures shall be made a part of that dog's file at the Payette police department.~~

D. A "vicious dog" shall not include the following:

1. A police dog that is being used to assist one or more law enforcement officers in the performance of their duties.

2. A dog that has caused injury to any person while such person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger of the dog.

WOLF-HYBRID: shall mean an animal which is the progeny of a dog (canis familiaris) and a wolf (canis lupus or canis rufus). Wolf-hybrid also means an animal which is advertised, registered, licensed or otherwise described or represented as a wolf-hybrid by its owner or keeper or an animal which exhibits primary physical and behavioral wolf characteristics.

6.08.020: LICENSE REQUIREMENTS:

A. License Required:

1. Any person who shall own or keep any dog within the city limits without having first obtained a license therefor, or without being in compliance with this chapter, shall be guilty of a misdemeanor;
 - a. Provided, however, that the provisions of this section shall not apply to any person visiting in the city for a period not exceeding thirty (30) days, any nonresident of the city not maintaining a dog within the city limits, or the owner of any dog under four (4) months of age where the dog is ~~neither a pit bull, Presa Canario, Canary Island dog, Cane Corso, mountain dog, Russian wolfhound, a wolf hybrid nor~~ not a vicious dog.
2. It shall be unlawful for any person to own or keep a ~~pit bull or any other~~ vicious dog within the city limits prior to the issuance of a City of Payette dog license. No license shall be issued to the owner of any ~~pit bull or other~~ vicious dog prior to complete compliance with all sections of this chapter. Compliance with this chapter shall be verified by the Chief of Police, or his designee.

B. Nonvicious Dog Fees: The city clerk, or a designee, is hereby authorized to issue a license to any person showing veterinary certification of rabies vaccination and upon payment as set by resolution per head for each nonvicious dog. Owners presenting veterinary certification that the dog has been spayed or neutered will pay a fee as set by resolution. Persons who are at least sixty two (62) years of age as of January 1 will pay a fee as set by resolution per head to license their nonvicious and spayed/neutered dog(s). Vicious dogs and dogs which have not been spayed or neutered are not eligible for a reduced license fee. All licenses issued will be valid from the date of issue and will expire on ~~December~~ March 31 of each year.

C. Vicious Dog Fees: The city clerk, or a designee, is hereby authorized to issue a license to any person showing veterinary certification of rabies vaccination, compliance with all requirements of this chapter, and upon payment as set by resolution per head for each vicious dog which is of any breed other than those that meet the definition of ~~p~~Pit ~~b~~Bull Dog, ~~Presa Canario~~, Canary ~~Island d~~Dog, Cane Corso, Dogo Argentina, American Bulldog, ~~mountain dog~~, ~~Russian wolfhound~~ or wolf hybrid. Owners presenting veterinary certification that the dog has been spayed or neutered will pay as set by resolution per head. All licenses issued will be valid from the date of issue and will expire on ~~December~~ March 31 of each year.

1. The owner of a vicious dog shall keep the current license for such vicious dog through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by a member of the immediate family of such licensee. A license tag will be issued to the owner at the time the license is issued.

D. Due Date: Such license fees shall be due and payable on ~~January~~ April 1 of each year, except as hereinafter provided.

E. Penalty And Exceptions: If any license fee is not paid on or before ~~January~~ April 31 of each year, the city clerk shall collect a penalty in addition to said license fee in the sum as set by resolution; provided, however, that any dog born subsequent to ~~January~~ April 31 of any year shall be licensed by the payment of the appropriate license fee, without penalty, within four (4) months after its birth, and thereafter the penalty shall be added as hereinbefore set forth, and any dog brought into the city subsequent to ~~January~~ April 31 of any year shall be licensed by the payment of the appropriate license fee, without penalty, within thirty (30) days after being brought into the city, and thereafter the penalty shall be added as hereinbefore set forth.

6.08.030: LICENSE TAGS:

A. Tag To Be Worn: Every owner shall be required to provide each dog, or vicious dog, ~~or pit bull~~, a collar or harness to which the license tag must be securely affixed, and shall ensure that the collar and the tag are constantly worn. Show dogs, during showing, are exempted from wearing the collar and tag.

B. Lost Tag: A duplicate or replacement tag shall be issued by the city clerk upon payment as set by resolution for each tag so issued to replace the original tag which was lost or destroyed.

C. Unlawful To Remove: No person shall remove or cause to be removed the collar or tag from any licensed dog without consent of the owner, keeper or harbinger thereof.

6.08.050: POLICE AUTHORITY:

A. Fresh Pursuit: In the enforcement of any provision of this chapter, any peace officer, police officer, ordinance officer or other public officer, is authorized to enter the premises of any person to take possession of licensed or unlicensed roaming, fierce, dangerous, or vicious dogs when in pursuit of any such dog at the time the dog goes onto private property.

B. Exhibit License: It shall be unlawful for any owner or person keeping or harboring a dog for which a license is required by this chapter to fail or refuse to exhibit the license or tag upon demand by a police officer, ordinance officer, or other designated city official.

C. Interference With Police: Any person who shall molest, interrupt, hinder or prevent the Chief of Police, or any peace officer, ordinance officer, or other public officer, in the discharge of his duty herein prescribed, shall be guilty of a misdemeanor.

~~D. Right Of Entry: In the enforcement of any provision of this chapter, any police officer, ordinance officer, or other public officer, is authorized to enter the premises of any person to take possession of any unlicensed or licensed, roaming, dangerous, or vicious dogs, whether or not in pursuit of any such dog, if the dog is in plain view of the officer from a public area.~~

6.08.060: OFFENSES AND NUISANCE CONDITIONS:

A. Running At Large Prohibited: It shall be unlawful for any "owner" as defined in section 6.08.010 of this chapter to permit the same to be, remain, or run at large, off or away from the premises of the owner, possessor, or keeper thereof, unless: 1) upon the private premises of another with the consent of the person in possession of such premises; or 2) such dog be under the direct and immediate care and control of a person and controlled by a leash not exceeding six feet (6') in length; or 3) such dog be confined in a motor vehicle.

B. Dogs Must Be Confined: A dog shall be confined upon the premises of the owner, possessor, or keeper, in such a way as to keep the dog out of all public rights of way.

~~C. Impounding At Large Dogs: Any dog found running at large may be immediately seized, captured or taken up and impounded and such dog may be so taken without the necessity of filing a complaint. Such dog shall be impounded and disposed of in accordance with provisions in this chapter. Any dog which is~~

~~found at large that cannot be safely taken up and impounded, may be slain forthwith. Any action taken by a police officer, ordinance officer, or other designated city employee, in the performance of his duties, that requires the death, injury, or destruction of a dog found running at large, shall not be considered to be cruel or inhumane treatment of the animal.~~

C. No person shall keep or harbor any animal in the City so as to create offensive odors, excessive noise or unsanitary conditions which are a menace to the health, comfort or safety of the public, or otherwise permit the commission or existence of a nuisance as defined hereafter. Any animal is hereby declared to be committing a nuisance if it:

D.1. Disturbances: It shall be unlawful for any "owner", as defined in section 6.08.010 of this chapter, to keep any dog within the city limits which by loud, continuous, frequent, or habitual barking, howling, whining, or yelping, annoys or disturbs any neighborhood or person. When none of the residents who reside at the place where the offending dog is being kept are at home at the time a dog is making such noises which give rise to a complaint, such absence shall create a rebuttable presumption that the dog's barking, howling, whining, or yelping was unlawful. Any dog, which has persistently created the noises referred to in this section, as demonstrated by two (2) or more convictions of the owner thereof for violating this section, is declared to be a public nuisance and may be impounded.

2. Bites another person or domestic animal.

3. Any animal which scratches, digs, urinates or defecates upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner, keeper or harbinger of such animal, is hereby declared to be a nuisance. Where the owner, keeper or harbinger of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner, such nuisance shall be considered abated.

4. Any Vicious Dog, as defined in Section 6.08.010(A)(3), is hereby declared to be a public nuisance, which represents a threat to the health, safety and welfare of the public in all areas of the City, due to the inherent breed characteristics of exceptional aggression, athleticism, strength, viciousness, unpredictability and tenaciousness, such that dogs have the ability to rapidly and unpredictably inflict significant damage upon their victims.

~~E5.~~ Sanitary Conditions: Every person who shall keep, maintain or harbor a dog shall maintain his premises, including, but not limited to, dog pens or runs, in a clean and sanitary condition so that they shall not be offensive, a harborage for vermin, or a health hazard.

~~G. Seizure Of Noncompliant Animal: Any peace officer, police officer, ordinance officer, or other public officer is hereby empowered to seize and impound any vicious animal whose owner fails to comply with the provisions in this chapter.~~

~~1. In the event that the owner of the animal refuses to surrender the animal to the officer, said officer may request a search warrant from a magistrate of the district court and to seize and impound the animal upon execution of the warrant.~~

~~2. Animals which cannot be safely seized may be immediately slain.~~

6.08.070: ~~HARBORING OF VIOIOUS DOGS:~~

~~A.~~ It shall be unlawful for any person to keep or harbor a ~~fierce or~~ vicious animal or dog without first complying with the ~~terms of this chapter~~ following: ~~It shall be an affirmative defense to charges under this section if the actual or intended victim of any attack has made an unlawful entry into the dwelling of the owner.~~

A. ~~B.~~ No "owner", as defined in section 6.08.010 of this chapter, of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

B. ~~C.~~ No "owner", as defined in section 6.08.010 of this chapter, shall suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled. When on leash, the leash shall consist of a short high tensile strength material with a maximum length of three feet (3') (0.9144 meters). A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club or United Kennel Club show.

~~C. It shall be unlawful to possess, harbor, and keep within the city limits a Presa Canario, Canary Island dog, Cane Corso, a Russian wolfhound, a mountain dog or a wolf hybrid.~~

C. Obtain a City dog license as required in Section 6.08.030. Whenever any person applies for and is granted a license to maintain a vicious dog, the application is permission from the applicant for the Chief of Police, or his designee, to make whatever inquiry is deemed necessary, including, but not limited to, entry onto the applicant's property to ensure ongoing compliance with all provisions of this chapter. Any entry shall be limited to the purpose of compliance inspections of the licensed premises and the

licensed animal, and will be made in the presence of the owner whenever practical.

- D. Register the dog with the City Police Department in accordance with this Chapter.
- E. All owners, keepers or harborers of vicious dogs must, within ten (10) days of the effective date hereof, provide to the police department two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.
- F. The owner of the vicious dog shall provide proof of rabies vaccination and shall pay the annual vicious dog license fee as stated in this chapter.
- G. The owner of the vicious dog shall keep current the license for such vicious dog through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by an immediate family member of the holder of such license. A vicious dog license tag will be issued to the owner at the time of issuance of the license. Such license tag, along with the current rabies tag, shall be attached to the vicious dog by means of a secure collar or harness, and shall not be attached to any vicious dog other than the vicious dog for which the license was issued. If the vicious dog tag is lost or destroyed, a duplicate tag may be issued upon the payment of a fee as stated in this chapter. The owner must be at least twenty one (21) years of age as of the license issuance date.
- H. The owner shall present to the Chief of Police proof that the owner has procured liability insurance with an insurer authorized to write liability insurance in the State of Idaho providing coverage in each occurrence in the amount of at least one million dollars (\$1,000,000.00) covering any damage or injury that may be caused by a vicious dog during the twelve (12) month period covered by the vicious dog license. This policy shall include the city of Payette as an additional insured, with minimum limits of coverage of one million dollars (\$1,000,000.00), and shall have the effect of saving harmless and defending the city of Payette and its officers, agents and employees from all suits, claims, demands or actions at law or in equity arising directly or indirectly as the result of injury to persons or damage to property occasioned by the maintenance of the vicious dog by the owner. The policy shall contain a provision requiring the insurance company to provide written notice to the Chief of Police not less than fifteen

(15) days prior to any cancellation, termination, or expiration of the policy.

- I. The owner shall, at the owner's own expense, have the vicious dog spayed or neutered, and shall present to the Chief of Police documentary proof from a licensed veterinarian that this sterilization procedure has been performed.
- J. The owner shall bring the vicious dog to a duly licensed veterinarian and shall cause a microchip ID tag (such as the Avid Microchip) to be placed in the vicious dog. Certification of this procedure, along with the microchip ID number shall be provided to the Chief of Police. Vicious dogs that have previously had a microchip ID tag placed in them shall have that chip verified by a duly licensed veterinarian and provide the microchip ID number to the Chief of Police. Vicious dogs bearing identification tattoos are not exempt from the microchip provision. The Chief of Police shall maintain a file containing the microchip ID numbers and names of the vicious dogs and names and addresses of the owners. The owner shall immediately notify the Chief of Police of any change of address.
- K. At all times when a vicious dog is at the property of the owner, the owner shall keep the vicious dog "confined", as that term is defined in section 6.08.010 of this chapter. At all times when a vicious dog is away from the property of the owner, the owner shall keep the vicious dog either securely leashed and muzzled or in a "secure temporary enclosure", as that term is defined in section 6.08.010 of this chapter.
- L. The owner shall not sell or otherwise transfer the vicious dog to any person except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the Chief of Police within five (5) days in the event that the vicious dog is lost, stolen, dies, or has a litter. In the event of a litter, the owner must deliver the puppies to the Payette animal shelter for destruction, or permanently remove the puppies from Payette and provide sufficient evidence of such removal, by the time the puppies are weaned, but in no event shall the owner be allowed to keep in Payette a vicious dog puppy born after the date of publication of the ordinance codified herein that is more than eight (8) weeks old. Any vicious dog puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to subsection A(1)(e) of this section.

M. The owner shall have posted, at each possible entrance to the owner's property where the vicious dog is kept, a conspicuous and clearly legible vicious dog sign. Such vicious dog sign must be at least eight inches by ten inches (8" x 10") in rectangular dimensions and shall contain only the words "VICIOUS DOG" in lettering not less than two inches (2") in height.

N. Exceptions:

1. Any member of the City of Payette police department, ordinance officer, or other city official, may temporarily harbor and transport any vicious dog for purposes of enforcing the provisions of this chapter.
2. Any humane society operating an animal shelter which is registered and licensed by the city may temporarily hold any vicious dog that it has received or otherwise recovered, but only for so long as it takes to contact the city of Payette police department or ordinance officer and either turn the vicious dog over to these employees or receive permission to destroy or have destroyed the vicious dog pursuant to the provisions of Section 6.08.108 of this Chapter.
3. A person may temporarily transport into and hold in the city a vicious dog only for the purpose of showing such vicious dog in a place of public exhibition, contest or show sponsored by the American Kennel Club or United Kennel Club. However, prior to any showing, the sponsor of the exhibition, contest, or show must receive written permission from the Chief of Police, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent vicious dogs from escaping or injuring the public. The person who transports and holds a vicious dog for showing shall, at all times when the vicious dog is being transported within the city to and from the place of exhibition, contest, or show, keep the vicious dog confined in a "secure temporary enclosure" as defined in section 6.08.010 of this chapter.
4. Except as provided in subsection (J) of this section, the owner of a vicious dog may temporarily transport through the city a vicious dog only if such owner has obtained a valid transport permit from the Chief of Police. Upon request, the Chief of Police shall issue such permits only upon a showing by the owner that the vicious dog is being transported either from a point outside the city or to a destination outside the city. At all times when the vicious dog is being transported within the city, it must

be kept confined in a "secure temporary enclosure" as defined in section 6.08.010 of this chapter. In all cases, before issuing a transport permit, the Chief of Police must find that the transport would not constitute an unnecessary or undue danger to the public health, welfare or safety, and shall not issue the permit if he cannot so find. All transport permits issued shall only be valid for the time, date and vicious dog specified on the permit, and shall not be construed to permit any activity otherwise prohibited.

5. The owner of any vicious dog as defined in Section 6.08.010 (A) (3) of this Chapter, which had been licensed pursuant to this Chapter on or before the date of publication of the ordinance codified herein shall be allowed to keep such vicious dog within the city upon compliance with the licensing and insurance requirements set forth herein, but only if the owner applies for and receives an annual vicious dog license on or before June 15, 2006. As a condition of issuance of a vicious dog license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the regulations in this section.

6. An owner of any vicious dog as defined in Section 6.08.010 (A) (3) of this Chapter used as a service animal within the City of Payette shall apply for a vicious dog service animal license from the city clerk's office. Vicious Dog service animal licenses shall be subject to approval by the Chief of Police or his designee and to all provisions of this exception. The owner of a qualifying vicious dog who has applied for and received a vicious dog service animal license in accord with the terms of this section and who maintains the vicious dog service animal at all times in compliance with subsection (A) (1) (e) (1-8) of this section may keep a vicious dog service animal within the city upon compliance with the following provisions of the vicious dog service animal license requirements:
 - a. The owner of the vicious dog service animal shall maintain uninterrupted license currency. The pit bull service animal license is not transferable or renewable except by the licensee or by a member of the immediate family of the licensee. A vicious dog service animal license tag shall be issued to the owner at the time the license is issued. The license tag shall be attached to the vicious dog service animal by means of a collar or harness which must be worn

by the animal at all times. The license tag shall remain clearly visible and shall not be attached to any dog other than the vicious dog service animal for which the license was issued

- b. At all times when a vicious dog service animal is away from the property of the owner, the owner shall keep the vicious dog service animal muzzled and either in a secure temporary enclosure or securely leashed with a leash no longer than four feet in length held by someone eighteen years of age or older who is capable of effectively controlling the dog. Extension-style leashes may not be used. Leashes may not be attached to inanimate objects. In the event the handler, because of a disability, is not able to use a leash equal to or less than four feet in length, or in the event the use of a muzzle or a leash no longer than four feet in length would interfere with the service animal's safe, effective performance of work or tasks, the service animal must remain under the handler's complete control at all times when away from the owner's property, the manner of control to be fully described to the code enforcement and animal control officer at the time of licensing. This regulation and the means for controlling the vicious dog may be modified for service animals by the Chief of Police or designee as determined necessary and reasonable. Any such modification of the means of control set forth herein shall be memorialized in the licensing documentation upon issuance of said license.
- c. The owner shall immediately notify the animal control division in the event that the vicious dog is loose, stolen, at large, unconfined, has mauled, bitten, attacked, threatened, or in any way menaced another animal or human, or has died.
- d. No person applying for a vicious dog service animal license shall be granted a breeder's permit for such vicious dog service animal.
- e. Failure to comply with any of these conditions shall result in a revocation of the license, impoundment and disposition pursuant to the following:

- i. Impoundment. The ordinance officer or designee is authorized to immediately impound any vicious dog service animal found within the city limits which does not qualify for the exception stated within this section, subject to all of the procedures and processes set forth in 6.08.070(N)(6). If the dog is found not to be a pit bull as a result of DNA testing, evidence obtained at the owner's option and sole expense, or if the dog is determined to be a service animal, the dog shall be released to the owner, subject to full compliance with every requirement of this chapter. Notwithstanding a finding that the dog is not a vicious dog or a finding that the dog is a service animal, a dog may be impounded and the owner/handler may be held responsible for violations of this section or any other applicable state or local law.

6.08.090: KEEPING GUARD DOGS:

It shall be unlawful for any person to place or maintain guard dogs, as defined in section 6.08.010 of this Chapter, in any area for the protection of persons or property unless the following provisions are met:

- A. The dogs shall be confined to an enclosed area adequate to ensure they will not escape; or
- B. They shall be under the absolute control of a handler at all times when not securely enclosed; and
- C. In either subsection A or B of this section, the owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs on, over or next to all exterior doors stating that such dog is on the premises. At least one such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is less, and shall contain a telephone number where some person responsible for controlling such guard dog can be reached twenty four (24) hours a day; and
- D. Prior to the placing of a guard dog on any property, the person or persons responsible for the placing shall inform the

police chief, ordinance officer, the fire department and any utilities who have personnel that come upon premises or any business that is invited to come or send employees upon the premises, in writing, of their intention to post said dog or dogs, the number of dogs to be posted, the location where said dog or dogs will be posted, the approximate length of time said dog or dogs will be guarding the area, the daily hours said dog or dogs will be guarding the area, the breed, sex, age and rabies tag number of said dog or dogs. Such notice must be renewed every six (6) months.

6.08.1075: IMPOUNDMENT PROCEDURES:

When a dog is impounded the owner shall pay a fee as set by resolution for each twenty four (24) hour period, or portion thereof that the dog is impounded.

- A. Impounding: Any dog found running at large contrary to the provisions of this chapter may be apprehended by any designated city employee and shall be impounded; provided, however, that if any dog so found at large cannot be safely taken up and impounded, such dog may be slain forthwith. Such dog shall be impounded and disposed of in accordance with provisions in this chapter. Any action taken by a police officer, ordinance officer, or other designated city employee, in the performance of his duties, that requires the death, injury, or destruction of dangerous or vicious dog found running at large, shall not be considered to be cruel or inhumane treatment of the animal.
- B. Period Of Confinement; Records: Any dog which bites any person and causes a break in the skin of that person, regardless if the bite is provoked or unprovoked, or is suspected of having rabies, shall be seized and impounded for a period of ten (10) days as required by Idaho state law. The Chief of Police and health department shall be so notified and the animal disposed of only under their direction. A complete registry shall be kept of every dog so impounded, entering the breed, color and sex of such dog, whether licensed, and time and place of taking. If licensed, the name and address of the owner and the number of the license tag shall be entered.
- C. Impoundment Fees: For the first occurrence of impounding a dog running at large, the owner thereof shall pay to the city a fee as set by resolution for the taking up of such animal; for the second occurrence of impounding a dog running at large, the owner thereof shall pay to the city a fee as set by resolution for the taking up of such animal. For the third or any subsequent occurrence of impounding a dog running at large, the owner thereof shall pay the city a fee as set by resolution for the taking up of such animal for each such

occurrence. Said impoundment fees shall be paid to the city clerk's office. Prior to the release of any dog impounded for running at large, the owner shall provide proof that he has possession of a current city of Payette license tag for said dog.

D. Care Of Impounded Animals: Any animal impounded under the provisions of this chapter shall be provided with proper care, food, and water while so confined.

~~E. Daily Fee: All dogs impounded and held for more than three (3) days as required by state law, or this chapter, will require the owner to pay a fee as set by resolution per day for each twenty four (24) hour period, or portion thereof, that the dog is impounded.~~

Section 2: New Sections 6.08.072 Impounding Vicious Dogs, and Section 6.08.107 Appeals, are hereby added to Chapter 6.08 of Title 6 of the Payette City code as follows:

6.08.072 IMPOUNDING VICIOUS DOGS:

A. Whenever a vicious dog as defined in Section 6.08.010 (A) (3) of this Chapter is found within the City of Payette, the owner shall be notified in writing of the prohibitions contained in this chapter and of the procedure required to redeem the animal. Such notice shall be served upon the owner or, if the owner is not present, upon any person of suitable age and discretion residing at owner's residence. Whenever a vicious dog is found within the City of Payette, the animal may be impounded pursuant to Chapter 6.08.107.

B. If the vicious dog is not immediately impounded pursuant to Chapter 6.08.107, the owner must permanently remove the vicious dog from the city of Payette within forty-eight hours of issuance of the notice required by this section. Failure to remove a vicious dog within forty-eight hours of such notice shall result in the immediate impoundment of the animal. Whenever any vicious dog is found within the city of Payette and the owner has previously had the notice required by this section, the dog shall immediately be taken up and impounded by such officer charged with the enforcement of this chapter. Vicious dogs impounded under this subsection may be redeemed or adopted pursuant to the provisions of 6.08.107 through 6.08.109.

C. Notwithstanding the provisions of 6.08.070(N), any vicious dog found running at large in the city of Payette which is not in the possession or control of its owner or owner's agent shall be immediately impounded by a Payette animal control officer or Payette police officer if the dog is: (A) not validly registered

under section 6.08.070, (B) if the owner does not secure and maintain the liability insurance coverage required under section 6.08.070 of this chapter, (3) the dog is not maintained in the proper enclosure, or the dog is outside of the dwelling of the owner, or outside of the proper enclosure and not under physical restraint of the responsible person. Such animal shall be redeemed, adopted or destroyed pursuant to the provisions of Section 6.08.108 of the Payette Municipal Code.

6.08.107 APPEALS:

Any order or decision of the Ordinance Officer regarding an animal under this Chapter, including a declaration or finding that a dog is a vicious or nuisance dog due to its actions or its breed, as set forth in this Chapter, may be appealed by the owner, keeper or harbinger to the Chief of Police within ten days after receipt of written notice thereof. Upon appeal, the Chief of Police shall provide to the dog's owner, keeper or harbinger the opportunity to appear before him and present evidence, if any, relative to the appeal. The owner, keeper or harbinger of the dog shall be notified in writing of the Chief's decision regarding the appeal. A decision by the Chief upon appeal may be appealed within fifteen days after the date of the Chief's decision to the City Council.

Section 3: Sections 6.08.080, 6.08.100, 6.08.101, 6.08.102, 6.08.105 and 6.08.106 of Chapter 6.08 of title 6 of the Payette City code are hereby repealed.

~~6.08.080: GUARD DOGS EXCEPTED:~~

~~Dogs maintained as guard dogs, as defined in section 6.08.010 of this chapter and in compliance with this chapter shall not be included under this section. No person shall keep as a guard dog any pit bull, Presa Canario, Canary Island Dog, Cane Corso, mountain dog, Russian wolfhound or wolf hybrid or any dog which is bred, trained, owned, possessed, or kept for the purpose of dog fighting.~~

~~6.08.100: INSURANCE:~~

~~All owners of vicious dogs as defined in section 6.08.010 of this chapter shall, within ten (10) days of the effective date hereof, provide proof to the Payette city clerk of public liability insurance in a single incident amount of no less than one million dollars (\$1,000,000.00) 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. This policy shall include the city of Payette as an additional named insured, with minimum limits of coverage of one million dollars (\$1,000,000.00), and shall have the effect of saving harmless and defending the city of Payette and its officers, agents and employees from all suits, claims, demands or actions at law or in equity arising directly~~

~~or indirectly as the result of injury to persons or damage to property occasioned by the maintenance of the vicious dog by the owner. The policy shall contain a provision requiring the insurance company to provide written notice to the Chief of Police not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.~~

~~**6.08.101: IDENTIFICATION PHOTOGRAPHS:**~~

~~All owners, keepers or harborers of vicious dogs must, within ten (10) days of the effective date hereof, provide to the police department two (2) color photographs of the registered animal clearly showing the color and approximate size of the animal.~~

~~**6.08.102: PIT BULLS PROHIBITED:**~~

~~A. Except as provided for in this chapter, it shall be unlawful for any person to own, possess, keep, exercise control over, maintain, harbor, transport, buy or sell a pit bull within the city limits.~~

~~1. Exceptions:~~

~~a. Any member of the city of Payette police department, ordinance officer, or other city official, may temporarily harbor and transport any pit bull for purposes of enforcing the provisions of this chapter.~~

~~b. Any humane society operating an animal shelter which is registered and licensed by the city may temporarily hold any pit bull that it has received or otherwise recovered, but only for so long as it takes to contact the city of Payette police department or ordinance officer and either turn the pit bull over to these employees or receive permission to destroy or have destroyed the pit bull pursuant to the provisions of subsection B of this section.~~

~~c. A person may temporarily transport into and hold in the city a pit bull only for the purpose of showing such pit bull in a place of public exhibition, contest or show sponsored by the American Kennel Club or United Kennel Club. However, prior to any showing, the sponsor of the exhibition, contest, or show must receive written permission from the Chief of Police, must obtain any other permits or licenses required by city ordinance, and must provide protective measures adequate to prevent pit bulls from escaping or injuring the public. The person who transports and holds a pit bull for showing shall, at all times when the pit bull is being transported within the city to and from the place of exhibition, contest, or show, keep the pit bull confined in a "secure temporary enclosure" as defined in section 6.08.010 of this chapter.~~

~~d. Except as provided in subsection 14c of this section, the owner of a pit bull may temporarily transport through the city a pit bull only if such owner has obtained a valid transport permit from the Chief of Police. Upon request, the Chief of Police shall issue such permits only upon a showing by the owner that the pit bull is being transported either from a point outside the city or to a destination outside the city. At all times when the pit bull is being transported within the city, it must be kept confined in a "secure temporary enclosure" as defined in section 6.08.010 of this chapter. In all cases, before issuing a transport permit, the Chief of Police must find that the transport would not constitute an unnecessary or undue danger to the public health, welfare or safety, and shall not issue the permit if he cannot so find. All transport permits issued shall only be valid for the time, date and pit bull specified on the permit, and shall not be construed to permit any activity otherwise prohibited.~~

~~e. The owner of any pit bull which had been licensed pursuant to this chapter on or before the date of publication of the ordinance codified herein shall be allowed to keep such pit bull within the city upon compliance with the licensing and insurance requirements set forth herein, but only if the owner applies for and receives an annual pit bull license on or before June 15, 2006. As a condition of issuance of a pit bull license, the owner shall at the time of application comply with or otherwise provide sufficient evidence that the owner is in compliance with all of the following regulations:~~

~~(1) The owner of the pit bull shall provide proof of rabies vaccination and shall pay the annual pit bull license fee as stated in this chapter.~~

~~(2) The owner of the pit bull shall keep current the license for such pit bull through annual renewal. Such license is not transferable and shall be renewable only by the holder of the license or by an immediate family member of the holder of such license. A pit bull license tag will be issued to the owner at the time of issuance of the license. Such license tag, along with the current rabies tag, shall be attached to the pit bull by means of a secure collar or harness, and shall not be attached to any pit bull other than the pit bull for which the license was issued. If the pit bull tag is lost or destroyed, a duplicate tag may be issued upon the payment of a fee as stated in this chapter. The owner must be at least twenty one (21) years of age as of the license issuance date.~~

~~(3) The owner shall present to the Chief of Police proof that the owner has procured liability insurance in the amount of at least one million dollars (\$1,000,000.00)~~

~~covering any damage or injury that may be caused by a pit bull during the twelve (12) month period covered by the pit bull license. This policy shall include the city of Payette as an additional insured, with minimum limits of coverage of one million dollars (\$1,000,000.00), and shall have the effect of saving harmless and defending the city of Payette and its officers, agents and employees from all suits, claims, demands or actions at law or in equity arising directly or indirectly as the result of injury to persons or damage to property occasioned by the maintenance of the pit bull by the owner. The policy shall contain a provision requiring the insurance company to provide written notice to the Chief of Police not less than fifteen (15) days prior to any cancellation, termination, or expiration of the policy.~~

~~(4) The owner shall, at the owner's own expense, have the pit bull spayed or neutered, and shall present to the Chief of Police documentary proof from a licensed veterinarian that this sterilization procedure has been performed.~~

~~(5) The owner shall bring the pit bull to a duly licensed veterinarian and shall cause a microchip ID tag (such as the Avid Microchip) to be placed in the pit bull. Certification of this procedure, along with the microchip ID number shall be provided to the Chief of Police. Pit bulls that have previously had a microchip ID tag placed in them shall have that chip verified by a duly licensed veterinarian and provide the microchip ID number to the Chief of Police. Pit bulls bearing identification tattoos are not exempt from the microchip provision. The Chief of Police shall maintain a file containing the microchip ID numbers and names of the pit bulls and names and addresses of the owners. The owner shall notify the Chief of Police of any change of address.~~

~~(6) At all times when a pit bull is at the property of the owner, the owner shall keep the pit bull "confined", as that term is defined in section 6.08.010 of this chapter. At all times when a pit bull is away from the property of the owner, the owner shall keep the pit bull either securely leashed and muzzled or in a "secure temporary enclosure", as that term is defined in section 6.08.010 of this chapter.~~

~~(7) The owner shall not sell or otherwise transfer the pit bull to any person except a member of the owner's immediate family who will then become the owner and will be subject to all of the provisions of this section. The owner shall notify the Chief of Police within five (5) days in the event that the pit bull is lost, stolen, dies, or has a~~

~~litter. In the event of a litter, the owner must deliver the puppies to the Payette animal shelter for destruction, or permanently remove the puppies from Payette and provide sufficient evidence of such removal, by the time the puppies are weaned, but in no event shall the owner be allowed to keep in Payette a pit bull puppy born after the date of publication of the ordinance codified herein that is more than eight (8) weeks old. Any pit bull puppies kept contrary to the provisions of this subsection are subject to immediate impoundment and disposal pursuant to subsection A1c of this section.~~

~~(8) The owner shall have posted, at each possible entrance to the owner's property where the pit bull is kept, a conspicuous and clearly legible pit bull sign. Such pit bull sign must be at least eight inches by ten inches (8" x 10") in rectangular dimensions and shall contain only the words "PIT BULL DOG" in lettering not less than two inches (2") in height.~~

~~B. Notwithstanding the provisions of this chapter, the Chief of Police is authorized to immediately impound, or cause to be impounded, any pit bull found in the city of Payette which does not fall within the exceptions listed in subsection A1 of this section, and may house or dispose of such pit bull in such manner as the Chief of Police may deem appropriate, except as the procedures below otherwise require.~~

~~C. When the Chief of Police has impounded any pit bull dog pursuant to this section, and the owner of such dog disputes the classification of such dog as a pit bull, the owner of such dog may file a written petition with the Chief of Police for a hearing concerning such classification no later than seven (7) days after impoundment. Such petition shall include the name and address, including mailing address, of the petitioner. The Chief of Police will then issue a notice of hearing date by mailing a copy to the petitioner's address no later than ten (10) days prior to the date of the hearing. Where the Chief of Police receives no written request from the owner for a hearing within seven (7) days of impoundment, the pit bull shall be destroyed.~~

~~D. The hearing, if any, will be held before the Chief of Police or a hearing officer designated by the Chief of Police. Any facts which the petitioner wishes to be considered shall be submitted under oath or affirmation either in writing or orally at the hearing. The petitioner shall bear the risk of nonpersuasion. The Chief of Police or hearing officer shall make a final determination whether the dog is a "pit bull" as defined in section 6.08.010 of this chapter. Such final~~

~~determination shall be considered a final order of the Chief of Police subject only to judicial review.~~

~~E. If the dog is found to be a pit bull, it shall be destroyed, unless the owner produces evidence deemed sufficient by the Chief of Police that the pit bull is to be permanently taken out of Payette and the owner pays the cost of impoundment. If the dog is found not to be a pit bull, the dog shall be released to the owner. The procedures in this section shall not apply and the owner is not entitled to such a hearing with respect to any dog which was impounded as the immediate result of an attack or bite as defined in this chapter. In those instances, the dog shall be handled and the procedures governed by this chapter.~~

~~F. The official standards of the American Kennel Club and United Kennel Club for the breeds referred to in this chapter are on file in the office of the clerk of the city of Payette.~~

~~6.08.105: IMPOUNDING:~~

~~When a dog is impounded and held for more than three (3) days, the owner shall pay a fee as set by resolution for each twenty four (24) hour period, or portion thereof that the dog is impounded.~~

~~6.08.106: RESTRICTIONS:~~

~~No vicious dogs, as defined in this chapter, are to be held for, or engage in, fighting or breeding. No sales or distribution of the offspring of any vicious dog is permitted. Vicious dogs are to remain on the licensed premises except as required for veterinary care, participation in a sanctioned American Kennel Club or United Kennel Club show, surrender, or to comply with the order of a police officer, ordinance officer, or Chief of Police.~~

Section 4. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 5. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

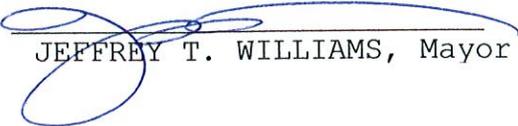
Section 6. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

Section 7. This ordinance may be published in summary form as allowed by the statutes of the State of Idaho.

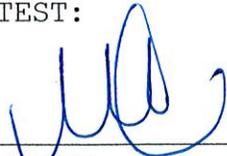
Section 8. Any violation of any portion of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 5th day of January, 2016.

CITY OF PAYETTE, IDAHO

by 
JEFFREY T. WILLIAMS, Mayor

ATTEST:



City Clerk