

AN ORDINANCE AMENDING SECTION 6-107, REVISED CODE OF PAYETTE, 1946, RELATING TO LICENSING OF DOG KENNELS; ADDING NEW SECTIONS TO CHAPTER 1 OF TITLE 6, REVISED CODE OF PAYETTE, 1946, PROHIBITING DOGS FROM RUNNING AT LARGE IN ANY PUBLIC PARK OR PUBLIC SCHOOL GROUNDS WITHIN THE CITY OF PAYETTE, PROHIBITING DOGS WHICH ARE HABITUAL NUISANCES OR OF A VICIOUS PROPENSITY FROM RUNNING AT LARGE, PROVIDING FOR THE DESTRUCTION OF VICIOUS DOGS, AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF CERTAIN DOGS, PROVIDING FOR NOTICE TO OWNERS OF THE DOGS, PROVIDING FOR REDEMPTION OF AND DISPOSITION OF UNCLAIMED DOGS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING AN EFFECTIVE DATE HEREFOR.

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

Section 1. That Section 6-107, Revised Code of Payette, 1946, be amended to read as follows:

"6-107. Kennel License.---It shall be unlawful to keep, maintain, harbor or possess upon any one premises more than three (3) dogs unless the owner or person in charge thereof shall have obtained a kennel license.

"Application for a kennel license shall be made to the City Clerk and must be accompanied by the written consent to such kennel by at least seventy-five percent (75%) of all the persons in possession of premises within 300 feet of the premises upon which said kennel is to be maintained, and accompanied by a deposit or a license fee of Twenty-five Dollars (\$25.00). License shall not be required of any individual dog kept in such kennel. All dogs covered by any such kennel license shall be maintained and kept within the kennel or under leash at all times, unless individually licensed in addition to the kennel license.

"Nothing herein shall be deemed to vary or alter any of the zoning or other regulations of the City of Payette."

Section 2. That there shall be added to Chapter 1 of Title 6, Revised Code of Payette, 1946, six new sections designated as Sections 6-109, 6-110, 6-111, 6-112, 6-113 and 6-114, reading as follows:

"6-109. Public Parks and Public School Grounds.---It shall be unlawful for any owner to allow or permit any dog, whether licensed or not, to run at large in any public park or upon any public school grounds within the City of Payette.

"6-110. Habitual Nuisances--Vicious Dogs--Complaint--Notice--Running at Large--Penalty.---Any person may make a written complaint to any police officer of the City of Payette that a dog is an habitual nuisance or of a vicious propensity. Such complaint shall give a description of the dog, the name of the owner, if known, and describe the actions of the dog complained of. A copy of such complaint shall be served upon the owner of the dog if he may be found. After service of such copy it shall be unlawful for any such owner to allow or permit such dog, whether licensed or not, to be or remain upon the streets or alleys of the City or any public place in the City, or upon any other premises without the consent of the person in possession of such premises, unless such dog be in charge of a person and controlled by a leash not exceeding ten feet (10') in length.

"Any person who wilfully or negligently fails or refuses to keep any such dog securely confined as herein set forth, shall, upon proof that such dog is an habitual nuisance or of a vicious propensity, as set forth in the complaint, and that the dog has been running at large, be guilty of a misdemeanor.

"A vicious propensity, as used in this ordinance, shall mean a propensity or tendency to do any act which might endanger the safety of persons and property, or if it tends to harm, whether manifested in play or in anger or in some outbreak of untrained nature.

"6-111. Destruction of Vicious Dogs.---Any dog which shall have, on three separate occasions, inflicted bodily injury on any person, shall be deemed a vicious dog and shall be seized by the police and slain forthwith.

"6-112. 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 dangerous or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain forthwith. Any dog suspected of having rabies shall be seized and impounded for a period of ten (10) days. The Health Officer shall be so notified and the animal disposed of only under his 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. Licensed dogs shall be kept separate from unlicensed dogs.

"6-113. Notice to Owner and Redemption.---Not later than twenty-four (24) hours after the impounding of any dog, the owner thereof shall be notified of such impounding. Before any action is taken for the sale or destruction of such dog as hereinafter provided, such notice shall be given in writing served personally on the owner, or, if personal service cannot be made, then such notice shall be sent to such owner by registered or certified, return receipt requested, mail to the then known address of such owner, or, if unknown, to the address last given by such owner on the license application form for that year, or, in the absence of a license application form for that year, to the address given by such owner on the license application form for the year immediately preceding such impounding. Such owner shall be deemed to have received actual notice two (2) days following the day upon which said notice shall have been deposited in the mail, as hereinabove provided. If the owner of the dog is unknown and if he or she has not made a license application form in the Clerk's office covering the year in which the dog is impounded, or the year immediately preceding such impounding, then written notice shall be posted for two (2) full days at the place where the dogs are impounded, describing the dog and the time and place of taking. 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 said dog, the impounding charges being two dollars (\$2.00), plus one dollar (\$1.00) per day for keeping the dog and for giving notice to the owner thereof.

"6-114. Disposition of Unclaimed Dogs.---All dogs so impounded shall be kept for a period of three (3) days. 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 to the City of the license fees, if any unpaid, and upon payment of fees and costs in this Chapter provided. If possession of any dog is not recovered as above set forth, 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 3. Any and all ordinances or parts of ordinances of the City of Payette in conflict herewith are hereby repealed.

Section 4. This Ordinance shall be in effect from and after its passage, approval and publication.

Passed by the Council this 16th day of November, 1959.

Approved by the Mayor this 16th day of November, 1959.

*C. J. Plauer*  
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Mayor

ATTEST:

*Aless. Beckner*  
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Clerk