

AN ORDINANCE

AMENDING SECTIONS 2, 6, 7, 10 AND 12 OF CHAPTER 3 OF TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE, IDAHO, TO PROVIDE FOR A CHANGE IN THE DOG LICENSE FEES, TO REQUIRE DOGS TO BE CONTROLLED BY A LEASH WHILE AWAY FROM ITS OWNER'S PREMISES, TO PROVIDE FOR ANIMAL KENNEL LICENSE FEE, TO PROVIDE THAT IT SHALL BE UNLAWFUL TO KEEP A VICIOUS DOG WITHIN THE CITY LIMITS; TO INCREASE THE CHARGE OF TAKING UP DOGS RUNNING AT LARGE.

Be it ordained by the Mayor and the City Council of the City of Payette, Idaho, that Sections 2, 6, 7, 10 and 12 of Chapter 3 of Title 6 of the Municipal Code of the City of Payette, Idaho, are amended as follows:

Section 6-3-2: LICENSE FEES; DUE DATE; PENALTY; LOST TAGS:

(A) FEES:

The Clerk is hereby authorized to issue a license and tag to any person applying therefor upon the payment of \$3.00 per head commencing January 1, 1968; all licenses must be dated from the first of the calendar year in which they were granted; beginning with January 1, 1975, a license and tag shall be issued to any person applying therefor upon the payment of \$3.00 for each and every neutered dog, and \$5.00 for each and every dog that is not neutered.

(B) DUE DATE:

The shape or the color of the tag issued shall be changed each year and shall have stamped thereon the year for which said tag is issued and a number that will correspond with the number on the license. Such license fees shall be due and payable on January first of each and every year, except as hereinafter provided;

(C) PENALTY AND EXCEPTIONS:

If any license fee is not paid on or before January 31st of each year, the Clerk shall, on or before January 1st of each year, or when they may otherwise become due, collect a penalty in addition to said license fee in the sum of one dollar (\$1.00); provided, however, that any dog born subsequent to January 31st of any year shall be licensed by the payment of the appropriate license fee, without penalty, within three (3) 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 31st 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.

(D) TERM:

All licenses and tags issued hereunder shall be nontransferable and shall be for the calendar year beginning with January 1st, and expiring on December 31st; of each year.

(E) LOST TAG:

A duplicate or replacement tag shall be issued by the Clerk upon payment of fifty cents (\$.50) for each tag so issued to replace

the original tag which was lost or destroyed.

Section 6-3-6: DOGS RUNNING AT LARGE; PENALTY:

(A) RUNNING LARGE PROHIBITED: It shall be unlawful for any owner, possessor, or person who keeps any dog, 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 prior consent of the person in possession of such premises; or
2. ~~Such dog be in charge of a person demonstrating positive voice control of said dog and maintaining a physical separation of no more than 150 feet;~~ or such dog be controlled by a leash, not to exceed ten (10) feet in length which shall be securely fastened to a collar or harness worn by the dog; provided, that said dog is not allowed in any case to enter without prior permission upon the private property of another and provided, said dog is not permitted to cause damage to any public property;
3. Such dog is confined in a motor vehicle.

(B) PENALTY: Any owner, possessor, or person who keeps any dog, violating the provisions of this section shall, upon conviction thereof, be punished by a fine of not more than FIVE dollars (\$5⁰⁰) for the first occurrence, ten dollars (\$10.00) for the second occurrence and twenty-five dollars (\$25.00) for each occurrence thereafter.

Section 6-3-7: 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 Clerk and must be accompanied by the written consent to such kennel by at least seventy five per cent (75%) of all persons in possession of premises within three hundred feet (300') 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). The license shall be valid until the end of the calendar year and may be renewed for another calendar year by paying a fee of twenty five dollars (\$25.00) on or before the 1st day of January of the year the kennel license is desired. License shall not be required by any individual dog kept in such kennel. All dogs covered by any such kennel license shall be maintained and kept with the kennel or under leash at all times. Provided, however, that this section shall not apply to dogs under three (3) months of age.

Section 6-3-10: VICIOUS ANIMALS:

No person owning or having custody or control of any dog known by such person to be vicious or dangerous shall permit it to run loose on or within the premises of such person, or otherwise, in such manner as to endanger the life or limb of any person lawfully entering such premises. A vicious dog, within the meaning of this Section, means a dog that has bitten a person without provocation, or a dog that has known propensity to attack or bite human beings. It shall be unlawful to keep, maintain, or harbor any such dog which has ~~on three (3) separate occasions~~ inflicted bodily injury on any person unless said infliction of injury resulted in reasonable defense of a person or property.

Section 6-3-12: NOTICE OF IMPOUNDMENT:

Not later than twenty four (24) hours after the impounding of any dog, the owner thereof shall be notified of such impounding as herein provided. 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 mail, return receipt requested, to the then known address of such owner, or, if unknown, 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 four (4) days following the day upon which said notice shall have been deposited in the mail, as herein provided. In the event the fourth day falls upon a Saturday, a Sunday or a legal holiday, the time period shall run until the end of the next day, which is neither a Saturday, a Sunday nor a legal holiday. If the owner of the dog is unknown and if he 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, the written notice shall be posted four (4) full days at the place where the dogs are impounded, and at the City Service Center, said notice to describe the dog and the time and place of taking. In the event the fourth day of posting falls upon a Saturday, a Sunday, or a legal holiday, the time period for posting shall extend until the end of the next day which is neither a Saturday, a Sunday nor a legal holiday. 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, 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. ~~The impounding charges of the City shall be three and 50/100 dollars (\$3.50), plus one dollar (\$1.00) per day for keeping the dog and for giving notice to the owner thereof; For the first occurrence of impounding a dog running at large, the owner thereof shall pay to the City of Payette a fee of five dollars (\$5.00) for the taking up of such animal, plus one dollar (\$1.00) per day for keeping the dog; for the second occurrence of impounding a dog running at large, the owner thereof shall pay to the City of Payette a fee of ten dollars (\$10.00) for the taking up of such animal, plus one dollar (\$1.00) per day for keeping the dog; for any third or subsequent occurrence of impounding a dog running at large, the owner thereof shall pay to the City of Payette a fee of twenty five dollars (\$25.00) for the taking up of such animal for each such occurrence, plus one dollar (\$1.00) per day for keeping the dog; provided, however, there shall be no charge for giving notice, and keeping the dog on any day that is a Saturday, a Sunday, or a legal holiday.~~

That this ordinance shall take effect and be in force from and after its publication in the Independent Enterprise, a newspaper of general circulation in the City and County of Payette, Idaho.

Passed and approved by the Mayor and Council this 15th day of

July, 1974.


Wesley O. Roehr, Mayor of the City of
Payette, Idaho

ATTEST:


Barbara A. Millard, Clerk of the City
of Payette, Idaho