

TETON COUNTY ANIMAL CARE & CONTROL ORDINANCE No. 052200.

This ordinance shall be known as the TETON COUNTY ANIMAL CARE & CONTROL ORDINANCE, and is enacted to provide for the health, safety and welfare of the people of Teton County and the humane and safe treatment of dogs, and to establish all required procedures and regulations for the licensing and control of dogs and facilities. (Prev. Ord. 082498 as amended 4/12/99)

Section 1. Purpose

This ordinance is passed to promote the health, safety, and welfare of the residents and visitors of Teton County and to protect the properties of such persons by establishing a uniform and humane animal care & control ordinance.

Section 2. Definitions

When used in this ordinance, unless the context otherwise indicates:

- a. **Animal Care & Control Officer:** the person or persons given authority by the Teton County Board of Commissioners, as appointed by the Teton County Sheriff's Office, to enforce this ordinance.
- b. **At Large:** Any dog off or away from the premises of the owner, and not under the control of such owner or his agent either by leash, cord or chain (not to exceed ten (10) feet), by confinement, within a vehicle, or otherwise restrained and under the immediate control of a competent and responsible attendant. (Note: Within the Driggs City limits, a dog is considered to be at large, when not restrained by leash, cord or chain of a maximum of six (6) ft.)
- c. **Control:** means to direct influence over, to dominate, regulate, to hold from action, to curb, and/or to govern. A dog shall be deemed to be under control if such dog is in close proximity to its owner and providing that such dog is not engaged in an action, which would classify it as a nuisance under this chapter. In order for a dog to be considered under control within the requirements of this chapter, it must either be under physical restraint or subject to and responsive to the verbal commands of the owner or other person asserting control of the dog. A dog is not under control if it is running at large or unrestrained in the streets, along the sidewalks or on a school ground, playground, park or place of public amusement or recreation.
- d. **County:** Shall include the area within the boundaries of Teton County, Idaho.
- e. **Cruelty:** means intentional and/or malicious infliction of pain, physical suffering, injury or death upon an animal; to maliciously kill, maim, wound, overdrive, overload, drive when overloaded, overwork, torture, deprive of necessary sustenance, drink, or shelter; cruelly beat, mutilate or cruelly kill an animal; to subject an animal to needless suffering, inflict unnecessary cruelty, drive, ride or otherwise use an animal when same is unfit; to abandon an animal, to negligently confine an animal in unsanitary conditions or to negligently house an animal in an inadequate facility, to negligently fail to provide sustenance, water or shelter to an animal.
- f. **Dog:** includes any unaltered or altered male or female canine, not otherwise used for law enforcement purposes.
- g. **Humane:** means to provide proper food, water, sanitation, ventilation, medical attention and shelter from weather as needed.
- h. **Humanely Dispose:** means to euthanize any animal according to the State of Idaho Board of Veterinary Medicine's current euthanasia rules and/or by a qualified veterinarian clinic/hospital, or Certified Euthanasia Technician.
- i. **Impounded:** Having been received into the custody of the Teton County Sheriff's Department or Shelter Master or other designated agent.
- j. **Injury:** means any physical injury that results in any breaking of the skin, infection, broken bone or disfiguring laceration.

- k. **Kennel:** Any lot or premises or portions thereof on which six (6) or more dogs are maintained, harbored, possessed, trained, bred, boarded or cared for in return for compensation, but not including an animal clinic, animal hospital or veterinary office where boarding is limited to short term care incidental to the hospital use.
- l. **License:** shall include a metal tag or disc bearing the year of issue, the name of Teton County, Idaho and number corresponding to the number kept in the records of the Animal Shelter and the Animal Control Officer, showing the person to whom such license was issued.
- m. **Multiple-Dog Owner:** a facility located at the private residence of the dog owner, where five (5) or more of the owner's dogs are maintained for purposes of breeding, hunting, organized field trials, obedience or confirmation, competition, personal safety and security, or for personal enjoyment.
- n. **Nuisance:** a dog of any age, male or female, which is a noisy dog; which molests passers-by or passing vehicles; trespasses onto property not owned by the dog's owner; is at large three (3) or more times; damages private or public property; or barks, whines or howls in an excessive, continuous or untimely fashion, for a period of thirty (30) minutes or more, after dark, disturbing the sleep, peace or quiet of any neighborhood or person.
- o. **Owner:** includes any individual, partnership, corporation, company, society or association keeping or harboring a dog or dogs.
- p. **Premises:** the real property owned or occupied by the owner of the dog.
- q. **Restraint:** an animal shall be deemed to be under restraint if on the premises of its owner of it accompanied by a responsible person and under that person's supervision off the owner's premise.
- r. **Shelter master:** the person or persons responsible for the animal shelter and given authority by the Teton County Board of Commissioners to provide humane care for animals impounded by the Animal Care & Control Officer.
- s. **T.C.S.O.:** Teton County Sheriff's Office
- t. **Vicious Dog:** a dog which, when not unprovoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon the streets, sidewalks, any public grounds or places or private property not owned or possessed by the owner of the dog; or a dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of persons or domestic animals; or any dog which bites, inflicts injury, assaults or otherwise attacks a person or domestic animal without provocation; or any dog owned or harbored primarily or in part for the purpose of fighting.

Section 3. Licenses

A. All owners of dogs over six months of age within Teton County, including the incorporated limits of municipalities which have adopted said ordinance, must pay an annual license tax as set forth by resolution of the Teton County Board of Commissioners. Said license shall be paid in accordance with provisions of Idaho Code §25-2801, to the office or officer of the county as designated by the Board of County Commissioners who shall thereupon give to the person paying it a receipt reciting the owner's name and the number of the license, and also a metal tag or disc bearing the year of issue, the name of the county, and a license number corresponding with that mentioned in the receipt. The proceeds thereof shall be paid into the County's Animal Control Fund. In the event of loss of license tag, a duplicate, so stamped, shall be provided the owner by the county, at a reasonable cost for each duplicate tag. A violation of this section is an infraction punishable as provided in Section 16 and Idaho Code §18-113A.

B. All dogs shall be licensed within thirty (30) days of being brought into Teton County. All licenses shall be issued on the date applied therefore, and shall be valid through and including December 31st of the same year. It shall be necessary to have each dog re-licensed by January 31st of the next year. Dogs, which are the property of nonresident owners and are not residing in the county for more than thirty (30) days, which have not been properly licensed by another municipal corporation, may be taken up and impounded in accordance with the provisions of this chapter.

C. In lieu of individual licenses, application for a multi-dog license will be required for any person or entity who owns or harbors five (5) or more dogs. Compliance with all local zoning ordinances or City Ordinances that regulate the number of dogs allowed per premise must be had prior to procurement of said license.

Section 4. Licenses – Conditions of Issuance

Licenses issued in accordance with this chapter are conditioned upon compliance of the owner with all provisions of this chapter and other applicable state and local laws. Any license may be revoked if the person holding the license refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or keeping of animals. If any person whose license is revoked shall fail to humanely dispose of all dogs being owned, kept or harbored by such person as required in this chapter, such dogs may be taken by the Animal Control Officer and thereafter impounded at the animal shelter.

Section 5. Licenses – Application; Rabies Vaccinations

A. The owner shall state at the time application is made for a license and upon printed form provided for such purpose, his name and address; the name, breed, color and gender of each dog owned or kept by him, whether such dog has been spayed or neutered; and in the case of spayed or neutered dogs, the owner shall submit a certificate from a licensed veterinary surgeon that his dog or dogs have been spayed or neutered. Any dog for which no certificate is presented, certifying that such dog has been spayed or neutered, shall be considered a not-spayed or not-neutered dog, and the owner shall be charged a license as though such dog were unaltered. At the time of application for permit the owner shall also present a certificate of rabies vaccination obtained in accordance with this chapter.

B. At time of application for a dog license, a certification of vaccination from a licensed veterinarian must be presented to the Animal Control Officer or Shelter master showing that the dog has a current rabies vaccination. However, when issuing a license pursuant to this subdivision, the license period shall not extend beyond the remaining period of validity for the current rabies vaccination.

Section 6. Annual License Fees

- A. Fifteen Dollars (\$15.00) for a non-neutered or non-spayed dog;
- B. Seven Dollars fifty cents (\$7.50) for a neutered or spayed dog. A certificate of neuter or spay issued by a veterinarian or the Teton Valley Humane Society shall be presented at the time the license is applied for in order to secure the license rate for a neutered or spayed dog.
- C. Senior citizens (age 65 or older) shall pay a license fee of Five Dollars (\$5.00).
- D. Duplicate licenses shall be issued for Two Dollars fifty cents (\$2.50).
- E. Other house hold pets may be licensed annually upon a voluntary basis for the sum of Seven Dollars fifty cents (\$7.50) per year.
- F. Any dog owned by a blind or visually or hearing impaired individual and used as a seeing-eye or hearing-ear dog shall be licensed at no cost to the owner.
- G. All kennels or multiple dogs must be licensed. The fee shall be Twenty Five Dollars (\$25.00) per year excepting when a kennel or multiple dog license is allowed to expire for thirty (30) days or more or is revoked, the next subsequent license fee shall be fifty Dollars (\$50.00).

Section 7. Restraint

All dogs shall be restrained so as not to interfere with pedestrian traffic, any public sidewalk or entrance to any building frequented by the general public. A dog that is vicious at anytime will not be considered restrained.

Section 8. Impounding

Any dog at large as prescribed in this ordinance and Idaho Code §25-2803, or with an expired license, may be taken by TCSO, the Shelter master or by the Animal Care & Control Officer and impounded in an animal shelter and there confined in a humane manner, provided, however, that if any vicious animal

so found at large cannot be safely taken up and impounded, such dog may be destroyed by the Animal Care & Control Officer or TCSO.

At any time that the dog is so impounded, the owner or keeper of the dog may redeem the same by paying to the Animal Shelter the expenses incurred by the Animal Shelter for such impoundment. The owner reclaiming an impounded animal may also be proceeded against for a violation of this chapter and his license may be revoked. Notwithstanding the provisions of this section, if a dog is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to its owner. In such case, the Animal Control Officer, Shelter master or other officer shall notify the Sheriff of the violation of this chapter and the Sheriff shall cite the owner for a violation of this chapter.

Section 9. Rabid dog – Impoundment Notice

A. If any dog is believed to have rabies, has been bitten by any animal suspected of having rabies, or has bitten any person, such dog shall be impounded in the animal shelter by the Animal Control Officer or other person authorized by the TCSO. The Shelter master or some other designated official upon receiving any such dog, shall make a complete registry, entering the breed, color, and gender of such dog, and whether licensed, and shall also make record of the incident which led to the impounding of the dog. If the dog is licensed, the Shelter master shall enter the name and address of the owner and the number of the license tag.

B. Not later than three (3) days after the impounding of any such dog, the owner shall be notified or, if the owner of the dog is unknown, written notice shall be posted for six (6) days at three (3) or more conspicuous places in the county describing the dog and the place and time of taking. The dog is to be quarantined in the shelter, segregated from other animals, for a period of ten (10) days. At the owner's request, the dog may be quarantined at a licensed veterinarian.

C. At the end of the ten- day period of impoundment, a licensed veterinarian shall inspect the dog and if the dog shows no symptoms of rabies, the veterinarian may authorize the release of the dog. If the dog shows symptoms of rabies, or is suspected by the veterinarian of being infected with rabies, the veterinarian may direct whatever disposition of the dog he may deem necessary, including, but not limited to, destroying the dog and/or conducting laboratory tests on the animal.

D. Following the ten-day impoundment, the owner of the impounded dog may reclaim such dog on payment of all costs and charges incurred by the animal shelter for impounding and maintenance of the dog. If any dog so impounded is not claimed by the owner thereof at the expiration of six (6) days from and after the ten-day impoundment, such dog may be humanely disposed. The Shelter master shall attempt to notify the victim of the dog bite of the results of impoundment.

Section 10. Adoption – Fee

The Shelter master or Animal Control Officer is authorized to place for adoption all dogs, which have been impounded for a period of not less than five (5) days, excluding weekends and holidays. Any person wishing to adopt a dog or other animal which has been impounded for not less than five days shall pay to the Shelter master or Animal Control Officer an adoption fee.

Section 11. Restricted and Prohibited Acts:

11.1 Dogs at Large:

It shall be unlawful for any person to own, harbor or have in his/her control a dog, whether licensed or not, which dog is found at large upon the streets or alleys of the County, or in any public place in the County or within the incorporated city limits of any such city that has adopted the County Ordinance, or upon any other premises without the consent of the person in possession of such premises. A violation of this section is an infraction punishable as provided in Section 16 and Idaho Code §18-113A.

11.2 Female Dogs in Heat

Each female dog, when in heat, shall 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 nuisance. A violation of this section is a misdemeanor as the violator will be charged with a Nuisance and the offense is punishable as provided in Section 16 of this Ordinance.

11.3 Rabies suspects

It shall be unlawful for a person to own, keep or harbor any dog afflicted with rabies. The owner of a dog showing symptoms of rabies, or of an unvaccinated dog which has bitten any person causing an abrasion of the skin, has a duty to surrender the dog for confinement at the Teton Valley Humane Society, or to a licensed veterinarian, for a minimum of ten (10) days, for impoundment in accordance with Section 9 of this Ordinance.

11.4 Vicious Dogs

It shall be unlawful for any person to own, harbor, or have in his/her possession any dog or dogs which, when unprovoked, acts in a manner consistent with the definition of a "vicious dog" as defined in Section 2 of this Ordinance. Any person who violates the provisions of this section is guilty of a misdemeanor and may be punished in accordance with Section 16 of this Ordinance. Such dog or dogs shall be prohibited and may be subject to impound and destruction as pursuant to Section 8 of this Ordinance.

11.5 Nuisance Dogs

Each owner shall exercise proper control of his animal so as to prevent it from becoming a public nuisance as defined in Section 2 of this Ordinance. Any person who violates the provisions of this section is guilty of a misdemeanor and may be punished in accordance with Section 16 of this Ordinance.

Section 12. Cruelty to Dogs – Inhumane Treatment

No owner shall fail to provide dogs with sufficient food and water, humane care and treatment, proper shelter, ventilation, protection from the weather, and veterinary care when needed to prevent suffering. No person shall poison, beat, cruelly ill treat, torment, or otherwise abuse any animal, or cause or permit any dogfight. No owner of a dog shall abandon such animal. Any person who violates the provisions of this section is guilty of a misdemeanor and may be punished in accordance with Section 16 of this Ordinance and pursuant to Idaho Code §25-3502.

Section 13. Possession of impounded dogs.

No person shall have in his or her possession the care, custody or control of any dog that has been impounded by the Animal Care & Control Officer or other official and has not been properly released by the Animal Care & Control Officer or other authorized agent or official following payment of all impoundment fees and costs. Any person who violates the provisions of this section is guilty of a misdemeanor and may be punished in accordance with Section 16 of this Ordinance.

Section 14. Concealing Animals

It is unlawful to conceal an animal for the purpose and with the intent to violate this ordinance or to prevent or interfere or hinder the Animal Care & Control Officer or TCSO's enforcement of any part of this ordinance. Any person who violates the provisions of this section is guilty of a misdemeanor and may be punished in accordance with Section 16 of this Ordinance.

Section 15. Exemption for Canines Used in Law Enforcement

In accordance with Idaho Code §25-2808, neither a law enforcement agent, peace officer nor the Animal Care & Control Officer shall be criminally liable under this ordinance or civilly liable in damages, for a violation under this ordinance, with respect to any canine used for purposes of law enforcement.

Section 16. Fines and Penalties

A. Dog At Large (Violations committed within one year) and Failure to License:

In addition to or in lieu of impounding a dog found running at large or which has not been licensed, as required by the pertinent provisions of this Ordinance, TCSO or the Animal Care & Control Officer may issue to the known owner of such animal a notice of ordinance violation or infraction. Such notice shall impose upon the owner a fine of Twenty Five Dollars (\$25.00) for the first violation, Fifty Dollars (\$50.00) for the second violation, and One Hundred Dollars (\$100.00) for the third violation.

A. All other violations

1) Any person violating any of the provisions of this Ordinance for which a fixed fine has not been designated shall be deemed to have committed a misdemeanor and, upon conviction thereof, shall be fined not exceeding Three Hundred Dollars (\$300.00), imprisonment for not more than thirty (30) days, or by both said fine and imprisonment

2) Upon conviction, fines and fees are required to be paid even if the dog owner chooses not to reclaim the impounded animal from the animal shelter.

3) Payment of all fines under this Ordinance are to be paid to the Teton County Clerk only and are subject to court costs.

4) In the event that any fine is not paid within the time period prescribed, a complaint for an ordinance violation or failure to pay an ordinance fine may be filed in the Magistrate Division of the District Court, and, upon conviction, the Court may assess costs of collection and/or court costs in addition to the prescribed penalties.

Section 17. Determination of fees, fines

A. The annual license fees are those fees set forth by the Teton County Board of Commissioners.

B. The fines are those fines set forth by resolution of the Teton County Board of Commissioners, to be published for two consecutive weeks after said resolution and to be enforced not sooner than thirty (30) days following the date of publication.

C. The fees set forth in this section regarding maintenance and impounding of animals are as follows:

a) For keeping any dog, The Shelter Master's daily rate.

b) For veterinary expense, the actual cost thereof.

c) All monies received by the Shelter Master for licenses or fines pursuant to this Ordinance shall be remitted to Teton County.

Section 18. Compliance Standards

Compliance of the following nationally recognized group standards such as: American Kennel Club, Mush with P.R.I.D.E., American Boarding Kennels Association, Stock Dog Club of America, The

Humane Society of United States, National Animal Control Association, shall be the affirmative defense to a violation of any of the provisions herein.

Section 19. Severability.

The provisions of this ordinance are hereby declared to be severable and if any provision of this ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such declaration shall not affect the validity of the remaining portions of this ordinance.

ADOPTED AND APPROVED THIS _____ DAY OF _____, 2000.

BOARD OF TETON COUNTY COMMISSIONERS

BRENT ROBSON, Chairman

DAVID TRAPP

MARK TRUPP

ATTEST: _____
NOLAN BOYLE, CLERK