

ORDINANCE NO. 681

AN ORDINANCE REVISING CHAPTER 3 OF TITLE 6 OF THE MUNICIPAL CODE OF THE CITY OF PAYETTE RELATING TO DOGS: BY REPEALING SECTIONS 6-3-4, 6-3-5, 6-3-6, 6-3-8, 6-3-9, AND 6-3-10; BY AMENDING SECTION 6-3-1 RELATING TO LICENSING OF DOGS AND SETTING FORTH THE EXEMPTIONS; BY AMENDING SECTION 6-3-2 RELATING TO LICENSE FEES, DUE DATE, PENALTY, TERM OF LICENSES, AND LOST TAGS; BY AMENDING SECTION 6-3-3 RELATING TO WEARING THE LICENSE TAG AND UNLAWFUL REMOVAL THEREOF; BY ENACTING A NEW SECTION DESIGNATED 6-3-4 RELATING TO INTERFERENCE WITH POLICE; BY ENACTING A NEW SECTION DESIGNATED 6-3-5 TO PROVIDE THE POWER OF FRESH PURSUIT AND REQUIRING THE EXHIBITION OF LICENSES; BY ENACTING A NEW SECTION DESIGNATED 6-3-6 PROHIBITING DOGS RUNNING AT LARGE AND PROVIDING EXCEPTIONS; BY AMENDING SECTION 6-3-7 RELATING TO KENNELS TO DELETE A REFERENCE TO INDIVIDUAL LICENSES AND TO PROVIDE AN EXCEPTION; BY ENACTING A NEW SECTION DESIGNATED 6-3-8 RELATING TO REVOCATION OF KENNEL LICENSES UPON COMPLAINT; BY ENACTING A NEW SECTION DESIGNATED 6-3-9 MAKING IT UNLAWFUL TO KEEP, MAINTAIN OR HARBOR A DOG WHICH CREATES A DISTURBANCE AND REQUIRING SANITARY CONDITIONS; BY ENACTING A NEW SECTION DESIGNATED 6-3-10 RELATING TO VICIOUS DOGS; AND ESTABLISHING AN EFFECTIVE DATE HEREFOR.

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

Section 1: That Chapter 3 of Title 6 of the Municipal Code of the City of Payette be, and the same hereby is, amended by repealing Sections 6-3-4, 6-3-5, 6-3-6, 6-3-8, 6-3-9 and 6-3-10 thereof.

Section 2: That Section 6-3-1 be, and the same is hereby, amended to read as follows:

"6-3-1: LICENSE REQUIRED: Any person who shall own or keep any dog within the City limits without having first obtained a license therefor, shall be guilty of a misdemeanor; provided, however, that the provisions of this Section shall not apply to any person visiting in the City of Payette for a period not exceeding 30 days, any non-resident of the City of Payette not maintaining a dog within the City limits, or the owner of any dog under three (3) months of age."

Section 3: That Section 6-3-2 be, and the same is hereby, amended to read as follows:

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

(A) FEES: The Clerk is hereby authorized to issue a license to any person applying therefor upon payment of Three Dollars (\$3.00) per head; all licenses must be dated from the first of the calendar year in which they are granted; Provided, that after January 1, 1965, the fee shall be One Dollar (\$1.00) per head;

(B) DUE DATE: 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 31st 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 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 days after being brought into the City, and thereafter the penalty shall be added as hereinbefore set forth.

"(D) TERM: All licenses issued hereunder shall be non-transferable and shall be for the calendar year beginning with January 1st, and expiring on December 31st; providing, however, that from and after January 1st, 1965, all licenses issued shall be valid and no renewal thereof shall be required so long as the dog for which the license is issued is owned by the same owner.

"(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 4. That Section 6-3-3 be, and the same hereby is, amended to read as follows:

"6-3-3:

"(A) TAG TO BE WORN: Every owner shall be required to provide each dog with a collar or harness to which the license tag must be affixed, and shall see that the collar and the tag are constantly worn. Show dogs during showing are exempted from wearing the collar and tag."

"(B) UNLAWFUL TO REMOVE: No person shall remove or cause to be removed the collar or tag from any licensed dog without the consent of the owner, keeper or harbinger thereof."

Section 5: That a new section designated 6-3-4 be, and the same is hereby, enacted, which reads as follows:

"6-3-4: INTERFERENCE WITH POLICE: Any person who shall molest, interrupt, hinder or prevent the Chief of Police, or any public officer, in the discharge of his duty herein prescribed, shall be guilty of a misdemeanor."

Section 6: That a new section designated 6-3-5 be, and the same is hereby, enacted, which reads as follows:

"6-3-5:

"(A) FRESH PURSUIT: In the enforcement of any provision of this Ordinance, any police officer, or other public officer, is authorized to enter the premises of any person to take possession of licensed or unlicensed, fierce, dangerous, or vicious dogs when in fresh pursuit of such dog at the time the dog goes onto private property.

"(B) TO EXHIBIT LICENSE: It shall be unlawful for any person keeping or harboring a dog for which a license is required by this Ordinance to fail or refuse to exhibit the license or tag upon demand by a police officer, or other designated City Official."

Section 7: That a new section designated 6-3-6 be, and the same hereby is, enacted, which reads as follows:

"6-3-6:

"(A) RUNNING AT 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 consent of the person in possession of such premises; or
- (2) Such dog be in charge of a person and controlled by a leash not exceeding fifteen (15) feet in length; or
- (3) Such dog be 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~~ Ten Dollars (\$10.00)."

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Section 8. That Section 6-3-7 be, and the same is hereby, amended to read as follows:

"6-3-7: KENNEL LICENSE: It shall be unlawful to keep, maintain, harbor or possess upon any one (1) 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 the 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). 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." Provided, however, that this section shall not apply to dogs under three (3) months of age."

Section 9. That a new section designated 6-3-8 be and the same is hereby enacted, which reads as follows:

"6-3-8: REVOCATION: Whenever any kennel is kept or maintained in such a manner as to be offensive on account of noise or odors, or otherwise, any person may make a complaint, under oath, to the City Council. Upon the filing of such complaint, the City Council shall immediately fix a date for hearing said complaint and shall immediately notify the owner or keeper of such kennel to appear before the council to show cause why the kennel license should not be revoked. Such hearing shall not be less than five (5) days nor more than twenty-eight (28) days from the date of filing such complaint, and the notice shall be served not less than three (3) days before such hearing."

Section 10. That a new section designated 6-3-9 be, and the same is hereby, enacted, which reads as follows:

"6-3-9: DOGS WHICH DISTURB NEIGHBORHOOD; SANITARY CONDITIONS: Any person who shall own or keep any dog within the City limits which by loud, continued or frequent barking, howling, or yelping, which annoys or disturbs any neighborhood or person shall be guilty of a misdemeanor.

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."


Section 11. That a new section designated 6-3-10 be, and the same is, hereby enacted, which reads as follows:

"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 a 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."

Section 12. This Ordinance shall be effective from and after its passage, approval and publication.

PASSED BY THE COUNCIL THIS 1st day of June, 1964.

APPROVED BY THE MAYOR THIS 1st day of June, 1964.



Mayor

ATTEST:



City Clerk