

## Chapter 6-07

### ANIMALS

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#### Section 6-07-01 DEFINITIONS

As used in this Chapter, each of the terms defined shall have the meaning given in this Section

unless a different meaning is clearly required by the context. The word "shall" is mandatory, not directory.

**ABUSE:**

Any case in which an animal has been the victim of intentional or negligent conduct resulting in the animal's bruising, bleeding, malnutrition, dehydration, burns, fractures or breaks of any bones, subdural hemotoma, soft-tissue swelling, or death.

**ANIMAL:**

Any organism other than human beings needing food to maintain and sustain its life which generally has mobility and a developed central nervous system.

**ANIMAL CONTROL CONTRACTOR:**

The organization contracting with the City to provide animal control enforcement services and/or Humane Shelter services.

**ANIMAL CONTROL OFFICER:**

The City may authorize the Animal Control Contractor to employ or appoint, Animal Control Officers. Animal Control Officers shall not be deemed to be City employees. An Animal Control Officer shall be and is hereby authorized to seize, keep and remove any animal in violation of and in enforcing the provisions of Chapter 7, of Title 6 of the Boise City Code, subject to and under the supervision and direction of the Animal Control Contractor of Boise City.

**AT LARGE:**

Off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise provided for in this Chapter.

**BUILDING:**

Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or any walls in which there are no communicating doors, windows or openings, which is designed or intended for the shelter, enclosure or protection of persons, animals, chattels or property of any kind.

**CITY:**

The City of Boise City, Idaho.

**CITY CLERK:**

The City Clerk of the City and designee.

**DOG:**

Shall be intended to mean both male and female, whether neutered or spayed.

**ENCLOSURE:**

A fence or structure of at least six feet (6') in height, forming or causing containment suitable to prevent the entry of young children, and suitable to confine an animal in conjunction with other measures which may be taken by the owner such as tethering of the animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

**HUMANE SHELTER:**

The Humane Shelter is established for the impounding and care of animals seized, kept, or removed in conformity with the provisions of the Code, which Humane Shelter shall be under the jurisdiction of the City. The Idaho Humane Society, Incorporated, is hereby designated, subject to its acceptance in writing filed with the Clerk, as the agent of the City for the purpose of maintaining and operating the Humane Shelter and for the purpose of impounding, keeping and disposing of any animal impounded according to the provisions of the Code; provided, that neither the Society nor any employee employed at the Humane Shelter shall be deemed to be City employees.

**IMPOUNDED:**

Taken into the custody of the Humane Shelter.

**MISUSE:**

The intentional causing of an animal to perform a noncustomary task which could be dangerous or harmful to the animal.

**NON-COMMERCIAL KENNEL:**

Any lot or premises or portion thereof on which four (4) or more dogs, cats or any combination thereof, are maintained, harbored, possessed, bred or cared for.

**OWNER:**

Any person or persons keeping, harboring, possessing, caring for, or having any custodial duties over any animal.

**PERSON:**

Shall be intended to include all natural persons, firms, companies, corporations or associations.

**SENIOR CITIZENS:**

Any head of household who has attained the age of sixty-five (65) or older.

**SIGN:**

A sign is any structure which shall be used to attract attention to any object, place, activity, person, animal, business which shall display or include any letter, word, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purposes of Section 6-7-7A.1.c., the sign shall be constructed of wood, metal or other similar weatherproof material, at least 24" by 24" in size, with letters in indelible or fluorescent ink with the words in clear, capital letters as follows: VICIOUS ANIMAL ON PREMISES, VICIOUS DOG ON PROPERTY, or words of similar meaning; and shall be posted at all visible entryways onto the owner's property.

**VICIOUS ANIMAL:**

- A. Any animal which, when unprovoked in a vicious or terrorizing manner, approaches any person in 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 animal; or
- B. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- C. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation; or

- D. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or

Notwithstanding the definition of a vicious animal above, no animal may be declared vicious if an injury or damage is sustained by a person who, at the time of such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime.

No animals may be declared vicious if the injury or damage was sustained as a result of teasing, tormenting, abusing or assaulting the animal. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

(Ord-24-16; Amended; 8/9/16; 6490, Amended, 08/15/2006; 5071, Amended, 02/09/1988)

### **Section 6-07-02 CRUELTY TO ANIMALS**

It shall be unlawful for any person to act in a cruel manner to any animal within the City. The phrase "cruel manner" shall include but is not limited to the following specific acts and omissions:

- A. Any owner of an animal who fails to provide such animal with:
1. Sufficient good and wholesome food; or
  2. Proper shelter and protection from the weather; or
  3. Proper veterinary care to prevent suffering or disease; or
  4. A clean and wholesome environment in which to live; or
  5. Protection from the abuse of other persons.
- B. Any person who through act or omission does any of following specific acts with an animal:
1. Abuses or otherwise mistreats; or
  2. Tortures; or
  3. Misuses; or
  4. Overloads or overrides; or
  5. Abandons; or
  6. Exposes to unreasonable danger to health or life.

C. Penalties

Any person violating any provision of this Section shall be deemed guilty of a misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000), or six months in jail, or both. Each day such violation is committed or permitted to continue shall constitute a separate offense. It

shall be the duty of any Police Officer, Animal Control Officer, or other designated City employee to take possession of any animal for which he has probable cause to believe falls under the preceding Section and deliver such animal to the Humane Shelter. All costs incurred for the maintenance of such animal will be paid by the person charged with the offense.

(6705, Amended, 02/24/2009)

**Section 6-07-03 COMMANDING AN ANIMAL TO ATTACK; PROHIBITED**

Except where great bodily harm or death is likely to immediately ensue, it shall be unlawful for any person to command, encourage or aid by word or conduct, any animal to bite, chase, attack, or attempt to bite, chase or attack, another person or animal.

**Section 6-07-04 INTERFERING WITH ANIMAL CONTROL OFFICER IN THE IMPOUNDMENT OF ANIMAL UNLAWFUL**

It shall be unlawful for any person to hinder or molest any animal control officer who may be engaged in seizing, keeping or removing any animal in conformity with the provisions of this Chapter.

**Section 6-07-05 PUBLIC MEETING REQUIRED**

Prior to the submission of any proposed changes to this Chapter by the Humane Shelter, the shelter shall be required to hold a meeting which provides the public an opportunity to review the proposed ordinance changes. All Boise City residents shall be allowed to attend the meeting. Failure to hold a public meeting shall make any proposed changes to this chapter by the Humane Shelter voidable.

**A. NOTICE**

The Humane Shelter shall give notice of this meeting to Boise City residents by publication once in the Idaho Statesman newspaper not less than seven (7) calendar days prior to the meeting. The advertisement shall state that the Humane Shelter will hold a meeting on a certain day, time, and place fixed, for the purpose of hearing public comments regarding any proposed changes to this chapter by the Humane Shelter, and to explain the reasons for such action.

**B. LOCATION AND TIME**

The location of the meeting shall be within Boise City limits. The meeting shall be held Monday through Thursday, excluding legal holidays, and start between 6:00 P.M. and 8:00 P.M. The meeting shall be held not more than six (6) months nor less than five (5) calendar days prior to submittal of the proposed changes to the Boise City Council.

(6357, Amended, 11/16/2004)

**Section 6-07-06 WILD ANIMALS, PROHIBITED**

A. It shall be unlawful for any person to harbor, keep, maintain or possess within the city any of the following animals:

**MAMMALS**

1. All members of the family Felidae (cat family) except domesticated cats.
2. All members of the family Canidae (dog family) except domesticated dogs.
3. All non-human primates.
4. All members of the order Insectivora except hedgehogs.

5. All rodents except domestic rats, mice, guinea pigs, hamsters, gerbils, and squirrels not otherwise restricted by federal law.
6. All marine mammals, including but not limited to whales, dolphins, and seals.
7. All animals from the order Xenarthra, including giant anteaters, sloths, tamanduas, armadillos, and pangolins.
8. All members of the family Procyonidae, except the raccoon native to Idaho (*Procyon lotor*).
9. All members of the family Mustelidae except domestic ferrets (*Mustela putorius*).
10. All civets, meerkats, and members of the family Viverridae.
11. All marsupials except Virginia opossum, sugar gliders, and bettongs.
12. All members of the family Hyaenidae, including but not limited to hyenas and aardwolves.
13. All members of the order Tubulidentata (aardvarks).
14. All members of the order Hyracoidae (hyraxes).
15. All hooved animals belonging to the orders Perrisodactyla and Artiodactyla except domesticated farm or pack animals.

#### BIRDS

16. Ostriches
17. Cassowaries
18. Penguins of any kind
19. Cranes of any kind
20. Flamingos
21. Hornbills
22. Herons and their relatives from the order Ciconiiformes
23. All birds of prey from the order Falconiformes
24. All owls from the order Strigiformes

#### REPTILES

25. Sea turtles of any kind
26. Aldabra or Galapagos tortoises
27. Komodo dragons
28. All members of the order Crocodylia
29. Wild-caught Gila monsters and beaded lizards
30. Elapids (family of venomous snakes) except North American species, such as coral snakes, that are housed under state guidelines.
31. Viperids (family of venomous snakes) except North American species, including but not limited to rattlesnakes, cotton mouths, and copperheads, that are housed under state guidelines.
32. Tuataras
33. Anacondas

#### INSECTS

34. All insects listed as agricultural pests by the USDA and Idaho Department of Agriculture.

- B. All animals listed as threatened or endangered on either a state or federal level and all illegally-imported animals shall be prohibited in the same manner as those listed above.
- C. The provisions of sections A and B above shall not apply to the keeping of such animals by any

bona fide licensed veterinary hospital for treatment, bona fide educational or medical institutions, museums, or by rehabilitators, breeders, or exhibitors who are properly licensed or permitted by the City, the Idaho Department of Agriculture, the U.S. Fish and Wildlife Service, or U.S. Department of Agriculture.

(6357, Amended, 11/16/2004)

## **Section 6-07-07 VICIOUS ANIMALS**

### **A. Requirements for registration.**

1. No vicious animal shall be licensed by the City for any licensing period commencing after January 1, 1988, unless the owner or keeper of such vicious animal shall meet the following requirements:

a. The owner shall present to the City Clerk or other licensing authority, proof that the owner or keeper has procured liability insurance in the amount of no less than five hundred thousand dollars (\$500,000.00), covering any damage or injury which may be caused by such vicious animal during the twelve (12) month period for which licensing is sought, which policy shall contain a provision requiring the City to be named as additional insured for the sole purpose of the City Clerk or other licensing authority where such animal is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy.

b. The owner shall, at his own expense, have the licensing number assigned to such vicious animal, or such other identification number as the City Clerk or other licensing authority shall determine, tattooed upon such vicious animal by a licensed veterinarian or person trained as a tattooist and authorized as such by any state, city or police department. The tattoo shall be placed either on the upper inner lip, inside ear or inside rear thigh of the vicious animal. The Humane Shelter may, in its discretion, designate the particular location of said tattoo. Said number shall be noted on the city licensing files for such vicious animal, if it is different from the license number of such vicious animal. For the purposes of this section "tattoo" shall be defined as any permanent numbering of a vicious animal by means of indelible or permanent ink with the number designated by the licensing authority, or any other permanent, acceptable method of tattooing.

c. The owner shall display a sign in conformance with 6-7-1 on his or her premises warning that there is a vicious animal on the premises. Said sign shall be visible and capable of being read from the public highway.

d. The owner shall sign a statement attesting that:

(1) The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the twelve (12) month period for which licensing is sought, unless the owner shall cease to own or keep the vicious animal prior to expiration of such license.

(2) The owner shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious animal on the property where the vicious animal will be kept or

maintained.

- (3) The owner shall notify the licensing authority and the animal control officer within twenty-four (24) hours if a vicious animal is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious animal has been sold or given away the owner shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious animal.

- B. An animal control officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any such animal control officer is hereby empowered to seize and impound any vicious animal whose owner fails to comply with the provisions hereof.

In the event that the owner of the animal refuses to surrender the animal to the animal control officer, the animal control officer may request a police officer to obtain a search warrant from a magistrate of the district court and to seize the animal upon execution of the warrant.

**Section 6-07-08 CONTROL OF VICIOUS ANIMALS**

- A. All vicious animals shall be confined in an enclosure. It shall be unlawful for any owner to maintain a vicious animal upon any premises which does not have a locked enclosure.
- B. It shall be unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the animal control officer with respect to the vicious animal, or to comply with the provision of 6-7-7A.1.a. or 6-7-7A.1.b. of this chapter. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under the direct control and supervision of the owner of the vicious animal.

**Section 6-07-09 PURPOSE OR INTENT - HARBORING**

No person shall own or harbor any animal for the purpose of animal fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to unprovoked attacks upon human beings or domestic animals.

No person shall possess with intent to sell, or offer for sale, breed, or buy or attempt to buy any vicious animal within the City.

**Section 6-07-10 ACTION FOR DAMAGES - DESTRUCTION OF OFFENDING VICIOUS ANIMAL - CIVIL PENALTY**

- A. If any vicious animal shall, when unprovoked, kill or wound, or assist in killing or wounding any sheep, lamb, cattle, horse, hog, swine, fowl or other domestic animal, belonging to or in the possession of any person, or shall, when unprovoked, attack, assault, bite or otherwise injure any human being or assist in attacking, assaulting, biting or otherwise injuring any human being while



out of or within the enclosure of the owner or keeper of such vicious animal, or while otherwise, on or off the property of the owner whether or not such vicious animal was on a leash and securely muzzled or whether the vicious animal escaped without fault of the owner or keeper, the owner or keeper of such animal shall be liable to the person aggrieved as aforesaid, for all damage sustained, to be recovered in a civil action, with costs of suit. It is rebuttably presumed as a matter of law that the owning, keeping or harboring of a vicious animal in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such action, to prove that the owner of such vicious animal knew that such vicious animal possessed the propensity to cause such damage or that the vicious animal had a vicious nature. Upon such attack or assault, the animal control officer in the City is hereby empowered to confiscate and destroy such vicious animal, if the conduct of such vicious animal or its owner constituted a violation of the provisions of this chapter, punishable by the confiscation and destruction of the animal.

**Section 6-07-11 EXEMPTIONS**

- A. Sections 6-7-7 A.1. to 6-7-10 inclusive in this chapter shall not apply to kennels licensed in accordance with the provisions of this chapter.
- B. The provisions of this chapter shall not apply to K-9 or other animals owned by any police department or any law enforcement officer which are used in the performance of law enforcement police work.

**Section 6-07-12 PENALTIES FOR VIOLATION**

- A. Any vicious animal:
  - 1. Which does not have a valid license in accordance with the provisions of this chapter; or
  - 2. Whose owner does not secure the liability insurance coverage required in accordance with 6-07-07 A.1.a. of this chapter; or
  - 3. Which is not maintained on property with an enclosure; or
  - 4. Which shall be outside of either the dwelling of the owner, or an enclosure except as provided in 6-07-08; or
  - 5. Which is not tattooed, shall be confiscated by the animal control officer and destroyed in an expeditious and humane manner after the expiration of a five (5) day waiting period exclusive of Sundays and holidays. In addition, the owner shall pay a two hundred and fifty dollar (\$250.00) fine.
- B. If any vicious animal shall, when unprovoked, kill, wound, or worry or assist in killing or wounding any animal described in 6-07-10 of this chapter, the owner of said animal shall pay a two hundred fifty dollar (\$250.00) fine and the animal control officer is empowered to confiscate and, after the expiration of a five (5) day waiting period exclusive of Sundays and holidays, shall destroy said vicious animal. For each subsequent violation the owner of said animal shall pay a fine of three hundred dollars (\$300.00).
- C. If any vicious animal shall, when unprovoked, attack, assault, wound, bite or otherwise injure or kill a human being, the owner shall pay a three hundred dollar (\$300.00) fine.

- D. No fine and/or tattooing requirement shall be suspended by any court of competent jurisdiction.

**Section 6-07-13 SEVERABILITY**

If any provision of this chapter, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the chapter and the application of such provisions to other persons and circumstances shall not be affected thereby.

**Section 6-07-14 DETERMINATION OF A VICIOUS ANIMAL**

- A. In the event that the animal control officer or law enforcement officer has probable cause to believe that an animal is vicious, the Chief of Police or the Director of the Humane Shelter or his designee, shall be empowered to convene a hearing for the purpose of determining whether or not the animal in question should be declared vicious. The animal control officer or Chief of Police shall conduct or cause to be conducted an investigation and shall notify the owner of the animal that a hearing will be held, at which time he or she may have the opportunity to present evidence why the animal should not be declared vicious. The hearing shall be held promptly within no less than five (5) nor more than ten (10) days after service of notice upon the owner of the animal. The hearing shall be informal and shall be open to the public.

After the hearing, the owner of the animal shall be notified in writing of the determination. If a determination is made that the animal is vicious, the owner shall comply with the provisions of this chapter in accordance with a time schedule established by the Director of the Humane Shelter, but in no case more than thirty (30) days subsequent to the date of the determination. If the owner of the animal contests the determination, he or she may, within five (5) days of such determination, bring a petition in the Magistrate Court in the Fourth Judicial District of the State of Idaho, in and for the County of Ada, wherein the animal is owned, praying that the court conduct its own hearing on whether or not the animal should be declared vicious. After service of notice upon the animal control officer the court shall conduct a hearing de novo and make its own determination as to viciousness. Said hearing shall be conducted within fourteen (14) days of the service of the notice upon the animal control officer or law enforcement officer involved. The issue shall be decided upon the preponderance of the evidence. If the court rules the animal to be vicious, the court may establish a time schedule to insure compliance with this chapter, but in no case more than thirty (30) days subsequent to the date of the court's determination.

The court may decide all issues for or against the owner of the animal regardless of the fact that said owner fails to appear at said hearing.

The determination of the Magistrate Court shall be final and conclusive upon all parties thereto. However, the animal control officer or any law enforcement officer shall have the right to declare an animal to be vicious for any subsequent actions of the animal. In the event that the animal control officer or law enforcement officer has probable cause to believe that the animal in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer or law enforcement officer may seize and impound the animal pending the aforesaid hearings. The owner of the animal shall be liable to the City for the costs and expenses of impoundment of such animal.

- B. If the owner of an animal impounded for an alleged violation of 6-7-7A. to 6-7-12, inclusive, of this chapter, shall believe that there shall not have been a violation of such sections hereof, such

owner may petition the Magistrate Court of the Fourth Judicial District of the State of Idaho, in and for the county of Ada, praying that the impounded animal not be destroyed.

The impounded animal shall not be destroyed pending resolution of such owner's petition if the petition shall have been filed within five (5) days of impoundment of such animal and notice shall have been served within five (5) days of the impoundment of such animal upon the animal control officer or keeper of the impounded animal. The hearing shall be conducted within fourteen (14) days from serving of the notice. The decision of the Magistrate Court may be appealed to the District Court by any aggrieved party within forty-two (42) days of the decision. The animal shall remain impounded pending the appeal. If the court finds that there shall not have been a violation of 6-7-7A. to 6-7-12, inclusive, of this chapter, such animal may be released to the custody of the owner upon payment to the Humane Shelter or animal control officer of the expense of keeping such animal. The schedule of such costs as provided for by 6-7-26 shall be paid in full or upon the signing of a promissory note to the City. If the owner of the animal violates any of the terms and conditions of 6-7-7A.1.d., said owner shall be fined one hundred dollars (\$100.00) for the first such violation and two hundred fifty dollars (\$250.00) for each subsequent violation.

(5063, Added, 01/12/1988)

#### **Section 6-07-15 UNIFORM SUMMONS - MAIL-IN FINES-PROSECUTION**

The Uniform Citation shall be used by the animal control officers, peace officers, and City Clerk in the enforcement of this Chapter. Fines of One Hundred Dollars (\$100.00) or less may be paid by mail. All other fines or penalties shall require a court appearance. Any offense hereunder may be prosecuted by complaint.

(6490, Amended, 08/15/2006)

#### **Section 6-07-16 LIABILITY OF PARENTS FOR DAMAGES CAUSED BY ANIMAL OWNED BY MINOR**

In the event that the owner of the any animal is a minor, the parent or guardian of such minor shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by said animal.

#### **Section 6-07-17 DOGS, SPECIAL PROVISIONS**

##### **A. LICENSES; APPLICATION; FEES**

All dog licenses are valid for twelve (12) months and shall expire one (1) year from date of sale. The owner, or person having charge, of any dog over the age of sixteen (16) weeks within the City shall make application to the City Clerk, the Humane Shelter director, or other designated agent in the amount established by the Boise City Council and listed on the most current City Clerk License Fee Schedule.

(No dog will be licensed as spayed or neutered without proof that such surgery was performed. Dog owners may choose to prepay licenses for one, two, or three years.)

1. Upon receipt of such application and payment of fees, the person issuing the license shall issue a receipt designating the owner's name and the number of the license, the sex (or status of spayed or neutered) of the dog and the amount paid by him together with a metal tag bearing the number corresponding to that upon receipt. If a license is lost, the Clerk

or Director of the Humane Shelter or other designated agent shall, upon application and payment of four dollars (\$4.00), issue a duplicate tag. Licenses for the following year may be purchased within ninety (90) days prior to the expiration date. Upon renewal, a new tag shall not be issued unless requested. If a dog is licensed as non-spayed or non-neutered, and is spayed or neutered within the licensed period, the Clerk shall, upon presentation of a veterinarian's statement of spaying or neutering, refund the difference in license fee.

2. License fees shall be waived for any guide dog that has been properly trained for use by a legally blind person and for any guide-dog-puppy-in-training authorized by a certified guide dog school. License fees shall also be waived for any hearing ear dog that has been properly trained for use by a person with impaired hearing or any other severely disabled person who requires an assistance dog.
3. License Required. It shall be unlawful for any person to own, harbor, keep or possess a dog over the age of sixteen (16) weeks within the City without first procuring a license therefore as provided by this Chapter; provided, however, that the provisions of this Chapter shall not apply to any person visiting in the City for a period not exceeding thirty (30) days, and owning or possessing a dog currently licensed, and bearing the license issued by another municipality or other licensing authority.

**B. IMITATION LICENSE TAGS**

It shall be unlawful for any person to allow any dog owned, kept or harbored by him to wear a license tag received on account of a former licensee or to wear any imitation of the license tag issued by the City for that year.

**C. TRAINING AND EXERCISE GROUNDS**

The Board of Park Commissioners or the Council may designate such areas of the public park or other public grounds of the City which may be used, subject to the rules and regulations as may be prescribed, for the training or exercise of dogs. Dogs within such area so designated need not be controlled by leash, but shall be under the control of a responsible person and controlled by whistle, voice, or other effective command.

**D. COLLAR; TAG**

Every dog shall at all times wear a substantial, durable collar, to which shall be securely attached the required license tag.

**E. RUNNING AT LARGE PROHIBITED**

Except as provided by Section 6-07-17C., any person who owns, harbors or has in his or her control an animal, whether the animal is licensed or not, which animal is found at large upon the streets or alleys of the City, or in any public place in the City or upon any other premises without the consent of the person in possession of such premises, is responsible for such animal being at large and is in violation of this Code Section; except:

1. When such animal is controlled by a leash.
2. When such animal is confined in a motor vehicle.

**F. Responsibility of Person Having the Care, Custody, Possession, or Control of a Dog – Requirement to Clean Up after Dog**

1. No person having the care, custody, possession, or control of a dog shall fail to remove fecal matter deposited by his/her dog on any street, sidewalk, pedestrian walkway or other pedestrian right-of-way, or bicycle path in Boise City before the owner/handler of the dog leaves the immediate area where the fecal matter was deposited.
2. A violation of this subsection, 6-07-17-(F), shall be an infraction, the penalty for which shall be twenty-five dollars (\$25.00), excluding court costs and fees. An infraction is a civil public offense, not constituting a crime, which is punishable only by a penalty not exceeding one hundred dollars (\$100.00) and for which no period of incarceration may be imposed. There is no right to trial by jury of a citation or complaint for an infraction and such trials shall be held before the court without a jury.
3. The requirements of this subsection shall not apply to:
  - a. Police officers and their service animals during the official performance of their duties and while actively engaged in an emergency situation;
  - b. Handlers of search and rescue animals during the official performance of their duties; or
  - c. Persons with disabilities utilizing assistance animals.

(6726, Amended, 07/07/2009; 6490, Amended, 08/15/2006; 6239, Amended, 06/10/2003; 5565, Amended, 08/30/1994; 5266, Amended, 10/02/1990; 5175, Amended, 06/27/1989; 5071, Added, 02/09/1988)

### **Section 6-07-18 POULTRY AT LARGE**

It shall be unlawful for any person to allow any chickens, ducks, turkeys, geese or other fowl owned by him to run at large upon the streets, alleys or other public places of the City, or upon the property of any person without the consent of the owner.

### **Section 6-07-19 ANIMALS IN PUBLIC BUILDINGS**

It shall be unlawful for any person to permit, allow, keep or carry any animal in, upon or within a public transportation facility, or any other public building or facility, particularly a building or facility in which food or drink is prepared or stored, except that a blind person shall not be denied the use of any common carrier or public transportation facility or admittance to any other public building or place within Boise City by reason of his being accompanied by a seeing-eye or guide dog specially trained for such purpose. It is the intent of this Ordinance to permit and authorize a blind person to have a seeing-eye or guide dog with him or her in such places and while using such facilities without being required to pay any additional charges for his seeing-eye or guide dog, but such blind person shall be liable for any damage or disturbance caused by such seeing-eye or guide dog.

### **Section 6-07-20 DRIVING OR RIDING ANIMALS**

No person shall lead, drive or ride any horse, pig, sheep, goat, mule, cattle or other animal over, across or upon any sidewalk, parkway or public parking area, or over or across any public park except upon roadways, trails or areas designated for such use.

**Section 6-07-21 NON-COMMERCIAL KENNEL LICENSE**

- A. It shall be unlawful to keep, maintain, harbor, or possess upon the premises of any one household more than four (4) dogs or cats, or any combination of such animals unless the owner or person in charge shall have obtained a non-commercial kennel license.
- B. Application for a non-commercial kennel license shall be made to the Clerk or Humane Shelter and must be accompanied by the written consent to such non-commercial kennel by at least seventy-five percent (75%) of all the persons in possession of premises within a radius of one hundred feet (100') of the premises upon which such noncommercial kennel is to be maintained. The application shall be accompanied by the deposit of a license fee of ten dollars (\$10.00) for five (5) animals (dogs and/or cats), and an additional two dollars (\$2.00) for each dog or cat over five (5), which deposit shall be returned to the applicant if the license is not issued.
- C. The application shall state the name and address of the owner, where the non-commercial kennel is to be located and the number of dogs or cats. The application shall be in duplicate and the duplicate thereof shall be referred to the Central District Health Department, which Department shall, within five (5) days thereof, make its report of whether or not the location and operation of said non-commercial kennel complies with their health regulations. Where the Central District Health Department report denies approval of the location or operation of said proposed non-commercial kennel, then no license shall be issued.
- D. Non-commercial kennel licenses shall not be transferable, and shall expire the thirty-first (31st) day of December of the year in which issued. Whenever additions are made to the number of dogs for which a non-commercial kennel license has been issued, the licensee shall within three (3) days report to the officer of the Clerk or to the Humane Shelter and pay the required license fee; provided, however, that whenever puppies or kittens are born, such puppies or kittens shall not be counted in computing the license fee until three (3) months old.
- E. The issuance of a non-commercial kennel license shall not obviate the necessity of obtaining an individual dog license, nor shall any of the provisions of this chapter be deemed to vary or alter any of the zoning regulations of the City.
- F. Non-commercial kennel licenses may be renewed upon expiration by filing an application and paying required fee.
- G. Any licensee who shall:
  - 1. Violate any provision of this Chapter or fail to comply with any of the conditions under which any license shall be issued; or
  - 2. Violate any statute or ordinance regarding the operation of the non-commercial kennel shall be subject to have his license suspended or revoked.

Procedure for license revocation shall follow the procedure set forth in Title 5, Chapter 2 of the Boise City Code.

- H. Inspections. It shall be the duty of the Clerk to inspect, or cause to be inspected, non-commercial kennel facilities for which licenses under this chapter have been issued as often as it may be necessary for the adequate control and supervision of such facilities. The Clerk, or designee, shall have the right to enter all such facilities at any reasonable time for the purpose of making

necessary investigations and inspections, and shall be charged with the responsibility of enforcing and administering the provisions of this Section.  
(5071, Amended, 02/09/1988)

**Section 6-07-22 RABIES, DISEASES AND QUARANTINE**

**A. VACCINATION**

1. The owner, or person having charge, of any dog or cat over sixteen (16) weeks of age within the City shall be required to have them vaccinated for rabies and to keep such vaccinations current.
2. Waiver of the rabies vaccination requirement shall only be obtained by providing a written statement from a licensed veterinarian stating the medical reason for waiver.

B. It shall be unlawful for a person other than a veterinarian, or the Humane Shelter to own, keep or harbor any animal afflicted with rabies.

C. The Chief of Police, his designee, the Humane Shelter Director, or the owner shall secure disposition of any animal afflicted with rabies.

D. It shall be the duty of every owner of an animal showing symptoms of rabies, or which has bitten any person causing an abrasion of the skin, to surrender the animal for confinement and isolation at the Humane Shelter or to a licensed veterinarian for a period not to exceed fifteen (15) days. If such animal shall be determined free of rabies, it shall be returned to the owner upon payment of the regular fee for keeping such animal impounded. If such fee is not paid the animal shall be subject to disposal as provided in this chapter. At the discretion of either the Chief of Police, the Humane Shelter Director or the Health Department, the quarantine of an animal may be upon the premises of the animal owner, or the person in charge of such animal, if the animal is securely confined, kept from contact with other animals and is submitted to a veterinarian for examination at the owner's expense to determine whether the animal is rabid.

**E. CONTAGIOUS DISEASED ANIMALS AT LARGE**

It shall be unlawful for any person to permit or allow any animal with a contagious or infectious disease to run at large upon the public streets, or to be within and upon any public transportation facility, or any other public building or place within the City, or to expose such animal in any public building or place, whereby the health, safety and well being of the public, or any member or members thereof, may be affected; nor shall such animal be shipped or removed from the premises of the owner of such animal be shipped or removed from the premises of the owner of such animal except under the supervision of the Humane Shelter Director.

(6490, Amended, 08/15/2006; 6239, Amended, 06/10/2003)

**Section 6-07-23 NUISANCE**

It shall be unlawful for any owner to fail:

A. To exercise proper care and control of his animal to prevent it from becoming a public nuisance.

Every person shall be guilty of allowing an animal to become a nuisance when he:

1. Excessive, continuous or untimely barking, or noise;
2. Molesting passersby, chasing vehicles;
3. Habitually attacking other domestic animals;
4. Trespassing upon public or private property in such a manner as to damage the property;  
or
5. Allowing the excessive accumulation of animal feces in such a manner as to affect the health and quiet enjoyment of another person.

**Section 6-07-24 RECORDS**

The Humane Shelter shall keep a record of all animals impounded, which record shall contain a description of the animal, the place where, and the date when, taken into custody or when delivered to the Humane Shelter.

**Section 6-07-25 REDEMPTION; IMPOUNDED ANIMAL**

- A. Any animal impounded because it was found running at large, or without a license, may be redeemed by the owner prior to the sale or destruction of such animal, by paying all charges against the same, as provided by this chapter.
- B. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

**Section 6-07-26 FEES; IMPOUNDING**

The Humane Shelter shall be entitled to charge a fee for the keeping and selling of any animal, which fees shall be retained by the Humane Shelter as payment toward the costs and expenses incurred in the keeping and selling of such animal. The fees which may be charged by the Humane Shelter for impounding, keeping and selling any animal, to be paid upon redemption or sale of such animal, shall be as follows:

- A. For impounding any horse, mule, hog, sheep, goat, any kind of cattle, or any animal not herein specifically named, twenty-five dollars (\$25.00).
- B. For keeping any horse, mule, hog, sheep, goat, any kind of cattle, or any animal not herein specifically named, five dollars (\$5.00) per day.
- C. For impounding any cat, each twelve dollars and fifty cents (\$12.50). For impounding any dog, each according to the following schedule:

	Licensed	Unlicensed
First occurrence	\$15.00	\$40.00



Second occurrence within three (3) years	\$25.00	\$65.00
Third or subsequent occurrence within three (3) years	\$50.00	\$80.00

In addition to the fees above, non-spayed and non-neutered dogs shall incur an additional impound fee according to the following schedule:

First occurrence	\$50.00
Second or subsequent occurrence within three (3) years	\$75.00

The fee for impounding of a non-spayed or non-neutered dog shall be refunded by the Humane Shelter if the owner elects to have the dog spayed or neutered within forty-five (45) days of release from the shelter. Proof of spaying or neutering must be provided to the Humane Shelter to receive this refund.

- D. For keeping any dog or cat, six dollars (\$6.00) per day.
- E. For isolation care (rabies, etc.) of any dog or cat, nine dollars (\$9.00) per day.
- F. The actual veterinary and hospital expenses incurred in caring for any animal.
- G. In addition to the foregoing, any person redeeming any dog or vicious animal, shall, prior to or at the time of the redemption, take out a license for same and fulfill all licensing requirements of this chapter, unless such dog or vicious animal shall already have a license for the calendar year.
- H. A fraction of a day shall be deemed a full day, and a portion of a day in excess of any multiple to twenty-four (24) hours, shall be deemed a day.

(6239, Amended, 06/10/2003)

**Section 6-07-27 SALE; NOTICE**

- A. At any time after any horse, mule, any kind of cattle, hog, or any stock animal, shall have been impounded, the Humane Shelter, shall give notice of sale by posting a notice at the Humane Shelter, describing the animal impounded, and notifying the owner to pay the charges thereon and remove same prior to the time fixed for the sale thereof; and that, otherwise, the animal will be sold at a public sale at a time and place named in said notice, which time shall be not less than five (5) days from the date of the posting of such notices.
- B. The Director of the Humane Society shall have the authority to adopt out animals unclaimed by owner after five (5) days of impoundment.

**Section 6-07-28 IMPOUNDMENT**

- A. A Police Officer, Animal Control Officer, or any other person may seize and impound all dogs at large. All animals seized must be immediately delivered to the Humane Shelter for impoundment.
- B. The owner of any animal taken up and impounded may recover possession of such animal upon

payment to the Humane Shelter of the required license fee and fees authorized to be received and charges by the Humane Shelter. If the owner or representative of the owner of any animal taken up and impounded shall fail to pay the license fees and costs and fees of the pound within twenty-four (24) hours after actual notice to the owner or representative of the owner, or within five (5) days after reasonable and diligent effort to notify the owner or representative of the owner, or within five (5) days after notice has first been posted pursuant to Section 6-7-27, the Humane Shelter may dispose of an animal either through adoption, provided the new owner shall pay the license fee and the costs and fees as herein provided, or through euthanasia.

#### **Section 6-07-29 DISEASED ANIMALS; DESTRUCTION**

Any animal impounded hereunder and suffering from serious injury or disease, may be euthanized at the discretion of the Humane Shelter.

#### **Section 6-07-30 FEE RECEIVED BY HUMANE SOCIETY**

The Humane Shelter, shall be entitled to and shall receive the following fees and compensation for the services herein provided for:

- A. All monies received for keeping and adopting any animal including dogs.
- B. All monies received by way of reimbursement for actual veterinary and hospital expenses.

#### **Section 6-07-31 FEES RECEIVED BY CITY**

The Humane Shelter may collect the license fees prescribed by this Chapter for animals within the City limits. All monies received by the Humane Shelter, or any amount thereof, belonging or to be paid to the City shall, within seven (7) days after receipt of the same, be paid to the City Clerk.

#### **Section 6-07-32 EXPENSES; PAYMENT**

The Humane Shelter, shall employ, and shall pay at its own expense, suitable and necessary persons to perform the duties herein prescribed.

#### **Section 6-07-33 LIABILITY OF CITY**

The City shall not in any manner be liable by reason of any act done by the Humane Shelter, or any of its officers or employees, whether in the performance of the duties prescribed by this Chapter, or otherwise except as otherwise stated in the contract between the City and the Animal Control Contractor.

#### **Section 6-07-34 REVOCATION OF RIGHTS BY CITY**

All privileges conferred upon the Humane Shelter, under the provisions of this chapter are subject to cancellation and revocation by the Boise City Council at any time upon its own motion and without cause shown, which revocation and cancellation shall be declared by the passage of an ordinance repealing this chapter; and all rights and privileges conferred hereunder shall cease and terminate sixty (60) days after the passage of such repealing ordinance.

**Section 6-07-35 ANIMAL TRAPS**

The Animal Control Officers are hereby authorized to place humane animal traps on public property or private property upon request and permission of the owner. Such traps shall be checked daily by the Animal Control Officers. No person shall disturb or injure such trap or animal confined therein.

**Section 6-07-36 ADMINISTRATIVE PROCEDURE**

- A. In order to eliminate burdening the court system with violations of dog licensing and running at large ordinances, and as a convenience to the public, the named defendant on the Uniform Citation alleging such a violation under Boise City Code may pay the fixed penalty, including any required license fees, to the City Clerk within ten (10) days of the issuance of the Uniform Citation. The following license fees and fixed penalties shall be imposed for violations of dog licensing and running at large ordinances under this chapter.
  - 1. If any dog is licensed, but the dog's license tag is not attached to its collar as required by Boise City Code Section 6-7-17D., a penalty of ten dollars (\$10.00).
  - 2. If any dog is found unlicensed sixty (60) days after the license renewal date, January 1, in violation of Boise City Code Section 6-7-17A., the license fee prescribed by Boise City Code Section 6-7-17A., plus a penalty of twenty-five dollars (\$25.00) for failure to license the dog.
  - 3. If any dog is found running at large in violation of Boise City Code Section 6-7-17E., a penalty of twenty-five dollars (\$25.00) for the first dog running at large ordinance violation, and, within any calendar year, fifty dollars (\$50.00) for a second dog running at large ordinance violation. Any subsequent violation in any calendar year shall be at the discretion of the Court.
- B. All fees and penalties collected as prescribed by Section A. shall be accounted for in the time and manner provided by Boise City Code Section 6-7-31.
- C. In the event payment is not made in accordance with the administrative procedure set out herein, the Uniform Citation alleging an ordinance violation shall be filed in the Magistrate Division of the District Court.

(6784, Amended, 08/24/2010; 5071, Enacted, 02/09/1988)

**Section 6-07-37 VIOLATIONS; PENALTY**

- A. Violation of Sections 6-07-03 and 6-07-04 is punishable by a maximum three hundred dollar (\$300.00) fine or imprisonment in the County jail for a term not to exceed six (6) months, or both. Regardless of the form of judgment, the Court shall impose a minimum mandatory ten (10) days jail.
- B. Any person violating any of the provisions of this chapter for which a fixed penalty had not been designated is guilty of a misdemeanor which is punishable by a fine not to exceed three hundred dollars (\$300.00) or by imprisonment in the County jail for a term not to exceed six (6) months, or by both such fine and imprisonment.

(6357, Amended, 11/16/2004; 5071, Renumbered, 02/09/1988; 5063, Added, 01/12/1988)

