

ORDINANCE NO 2001-1

AN ORDINANCE OF THE COUNTY OF ELMORE, STATE OF IDAHO, REGULATING DOGS WITHIN THE COUNTY OF ELMORE; PROVIDING FOR; DEFINITIONS, PROPER MAINTENANCE AND CARE OF DOGS, RESPONSIBILITIES OF OWNERS OR AGENTS, NUISANCE DOGS;

STATEMENT OF PURPOSE:

WHEREAS, the Idaho Legislature has provided exceptions and laws which animals may be kept within the State and;

WHEREAS, the Elmore County Board of Commissioners does find after due consideration of the issues presented that it is necessary and proper to expand these laws to provide for the safety, promote health and comfort of Elmore County and inhabitants therein, and for the protection of persons and property therein;

WHEREAS, the Elmore County Board of County Commissioners finds that there is a threat to the peace and safety of the residents of Elmore County from dogs running at large or being nuisances to persons within the County;

PURSUANT to the authority under Article 12, Section 2 of the Constitution of the State of Idaho and the provisions of Idaho Code Chapters 18 and 25;

IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, THAT THE FOLLOWING ORDINANCE BE IN EFFECT:

SHORT TITLE: This Ordinance shall be known as the "ELMORE COUNTY DOG CONTROL ORDINANCE."

ELMORE COUNTY DOG CONTROL ORDINANCE

Section 1: **DEFINITIONS:** The following words and phrases shall have the following definitions:

- (a) "Owner" Any person owning, keeping, or harboring a dog as his own or family pet.
- (b) "Agent" Any person not the direct owner but who has gained custody of a dog from the owner or has taken custody of the dog through a charitable act. The agent accepts all responsibility for the dog's actions.
- (c) "At Large" Any dog off the premises of its owner or agent and not under the direct control of a competent attendant or master.

- (d) "Nuisance" A nuisance includes but is not limited to the following (1) Frequent, continuous or untimely barking; (2) Molesting passer by; (3) Chasing vehicles; (4) Attacking other domestic animals; (5) Trespassing upon public or private property in such a manner as to damage the property or items in the property or; (6) Defecating on public or private property of another when the defecation is not immediately removed by the owner or agent of the animal.
- (e) "Impound or Impoundment" The taking up and holding of the dog for the purpose of strict control and containment by a law enforcement or dog control agency, owner upon direction by an animal control authority.
- (f) "Animal Shelter" Any premise designated by action of the County for the purpose of impounding and caring for all dogs found in violation of this ordinance.
- (g) "Restraint" Verbal of leash control on any dog within the property limits of its owner or agent.
- (h) "Vicious Dog" Any dog that has proven by prior actions and complaints that it is a threat to another animal or human. Dogs that repeatedly advance on a human in a vicious manner such as to put a reasonable person in fear of being attacked or injured.

Section 2: RESPONSIBILITIES OF OWNERS AND AGENTS: The owners and agents of dogs found within this County will have the following responsibilities:

- (a) Each owner/agent will insure the proper control and conduct of his/her dog.
- (b) Remove all of their dog's fecal deposits from others private property and public areas including but not limited to streets, sidewalks and parks.
- (c) Not allow the dog to run at large so that it destroys property, attacks other animals or humans, prevents freedom of movement by other persons, creates a health hazard, turns over trash containers, or chases other persons in vehicles or other means of transportation.
- (d) Not allow the dog to disturb the peace and quiet of occupants of adjacent premises by loud, continuous, and untimely barking or howling.

Section 3: SHERIFF'S RESPONSIBILITIES

- (a) Enforce the provisions and intent of this ordinance.
- (b) Investigate and assist complainants in regard to violations of this ordinance.

- (c) Assist in the determination of dogs accused of being vicious.
- (d) Investigate all dog bite cases and maintain reports of same to track dog's histories in regards to placing the dog under a vicious dog category.

Section 4: RESTRICTED AND PROHIBITED ACTS

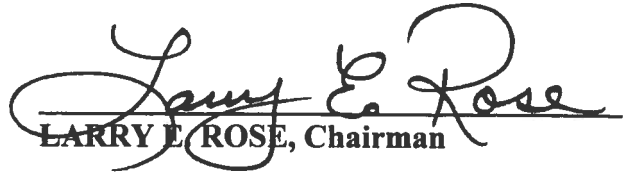
- (a) **Dogs at Large:** It shall be unlawful for any dog to run at large within the County without proper supervision or restraint by the owner or agent.
- (b) **Offensive Smells Prohibited:** It shall be unlawful for any owner or agent to care for the dog in such a manner that either the animal or any structure that houses the animal, becomes offensive in odor.
- (c) **Abandonment:** It shall be unlawful for any person to intentionally and willfully abandon or leave any dog without making adequate arrangements for its disposition or care.
- (d) **Vicious Dogs:** Once a dog has been identified by the Sheriff as a vicious dog, the owner of said dog shall confine the dog within a building or secure enclosure on his/her property and shall post a sign warning of the dog. Whenever not confined the dog shall be on a leash and securely muzzled.
- (e) **Teasing or Molesting Animals:** It shall be unlawful for any persons to willfully and intentionally tease or otherwise molest any dog, or any parent or guardian of any child to knowingly permit their child to tease or molest any dog.
- (f) **Interference:** It shall be unlawful for any person to interfere, hinder, or molest the Sheriff's Office or personnel acting under authority of the Sheriff's Office in the performance of their duty.
- (g) **Nuisance Dog:** It shall be unlawful for any persons to own, harbor, or have in his/her possession any dog or dogs which acts in a manner consistent with the definition of a nuisance dog as defined in this ordinance.

Section 5 FINES AND PERMITS

- (a) A violation of the Dog at Large portion of the ordinance will be an infraction punishable as provided in I.C. Section 18-113A.
- (b) A violation of any other provision of this ordinance is a misdemeanor and shall, upon conviction by subject to a fine of not more that three hundred dollars (\$300) and/or committed to the Elmore County Jail for not more than thirty (30) days per violation.

Dated this 8th day of January, 2001.

ELMORE COUNTY COMMISSIONERS


LARRY E. ROSE, Chairman


CRAIG McCURRY, Commissioner


CALVIN IRELAND, Commissioner



ATTEST:


GAIL L. BEST, Clerk

SUMMARY OF
ORDINANCE NO 2001-1

AN ORDINANCE OF THE COUNTY OF ELMORE, STATE OF IDAHO, REGULATING DOGS WITHIN THE COUNTY OF ELMORE; PROVIDING FOR; DEFINITIONS, PROPER MAINTENANCE AND CARE OF DOGS, RESPONSIBILITIES OF OWNERS OR AGENTS, NUISANCE DOGS;

STATEMENT OF PURPOSE:

WHEREAS, the Idaho Legislature has provided exceptions and laws which animals may be kept within the State and;

WHEREAS, the Elmore County Board of Commissioners does find after due consideration of the issues presented that it is necessary and proper to expand these laws to provide for the safety, promote health and comfort of Elmore County and inhabitants therein, and for the protection of persons and property therein;

WHEREAS, the Elmore County Board of County Commissioners finds that there is a threat to the peace and safety of the residents of Elmore County from dogs running at large or being nuisances to persons within the County;

PURSUANT to the authority under Article 12, Section 2 of the Constitution of the State of Idaho and the provisions of Idaho Code Chapters 18 and 25;

IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, THAT THE FOLLOWING ORDINANCE BE IN EFFECT:
SHORT TITLE: This Ordinance shall be known as the "ELMORE COUNTY DOG CONTROL ORDINANCE."

ELMORE COUNTY
DOG CONTROL ORDINANCE

The following is a list of sections contained in the Ordinance. A copy of the Entire Ordinance is available on request at the Recorder's Office, Elmore County Courthouse, 150 South 4th East, Suite 3, Mountain Home, Idaho.

- Section 1: DEFINITIONS
- Section 2: RESPONSIBILITIES OF OWNERS AND AGENTS;
- Section 3: SHERIFF'S RESPONSIBILITIES
- Section 4: RESTRICTED AND PROHIBITED ACTS
- Section 5: FINES AND PERMITS

Dated this 8th day of January, 2001.

ELMORE COUNTY
COMMISSIONERS

LARRY E. ROSE, Chairman
CRAIG McCURRY, Commissioner
CALVIN IRELAND, Commissioner

ATTEST:

GAIL L. BEST, Clerk

This Ordinance shall be in full force and effect thirty (30) days after publication.

One Publication: January 17, 2001.

Affidavit of Publication

County of Elmore } ss.
STATE OF IDAHO }

I, Coleen W. Swenson, do solemnly swear that I am the publisher, of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO, that the notice attached hereto and which is a part of publication thereof; was published in said newspaper for

1 consecutive weeks, the first publication having been made on 17 day

of Jan, 2001, and the last publication having been made on the 17 day of

Jan, 2001; every Wednesday

issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during the period of 78 consecutive weeks prior to the first publication of the attached notice.

Barbara M. Fowler for pub. Clerk

Subscribed and sworn to me this 17 day of Jan, 2001

Christine M Lewis
Notary Public

Residing in Mountain Home, Elmore County, Idaho
My commission expires 9-25-06



SUMMARY OF ORDINANCE NO 2001-1

AN ORDINANCE OF THE COUNTY OF ELMORE, STATE OF IDAHO, REGULATING DOGS WITHIN THE COUNTY OF ELMORE; PROVIDING FOR; DEFINITIONS, PROPER MAINTENANCE AND CARE OF DOGS, RESPONSIBILITIES OF OWNERS OR AGENTS, NUISANCE DOGS;

STATEMENT OF PURPOSE:

WHEREAS, the Idaho Legislature has provided exceptions and laws which animals may be kept within the State and;

WHEREAS, the Elmore County Board of Commissioners does find after due consideration of the issues presented that it is necessary and proper to expand these laws to provide for the safety, promote health and comfort of Elmore County and inhabitants therein, and for the protection of persons and property therein;

WHEREAS, the Elmore County Board of County Commissioners finds that there is a threat to the peace and safety of the residents of Elmore County from dogs running at large or being nuisances to persons within the County;

PURSUANT to the authority under Article 12, Section 2 of the Constitution of the State of Idaho and the provisions of Idaho Code Chapters 18 and 25;

IT IS HEREBY ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ELMORE COUNTY, IDAHO, THAT THE FOLLOWING ORDINANCE BE IN EFFECT:

SHORT TITLE: This Ordinance shall be known as the "ELMORE COUNTY DOG CONTROL ORDINANCE."

ELMORE COUNTY DOG CONTROL ORDINANCE

The following is a list of sections contained in the Ordinance. A copy of the Entire Ordinance is available on request at the Recorder's Office, Elmore County Courthouse, 150 South 4th East, Suite 3, Mountain Home, Idaho.

- Section 1: DEFINITIONS
- Section 2: RESPONSIBILITIES OF OWNERS AND AGENTS:
- Section 3: SHERIFF'S RESPONSIBILITIES
- Section 4: RESTRICTED AND PROHIBITED ACTS
- Section 5 FINES AND PERMITS

Dated this 8th day of January, 2001.

ELMORE COUNTY COMMISSIONERS

/s/LARRY E. ROSE, Chairman

/s/CRAIG McCURRY, Commissioner

/s/CALVIN IRELAND, Commissioner

ATTEST:

/S/GAIL L. BEST, Clerk

This Ordinance shall be in full force and effect thirty (30) days after publication.

1 Publication - January 17, 2001