



CITY OF  
**REXBURG**  
*America's Family Community*

**ORDINANCE NO. 1225**  
**City of Rexburg Animal Control**

AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS; PROHIBITING DOGS FROM RUNNING AT LARGE AND DISTURBING THE PEACE; PROVIDING FOR THE IMPOUNDMENT OF UNLICENSED DOGS AND DOGS RUNNING AT LARGE; PROVIDING FOR IMPOUNDMENT DUTIES OF POLICEMEN AND ANIMAL CONTROL; NOTICE OF IMPOUNDMENT AND REDEMPTION; PROVIDING CITATION OF DOG OWNER RATHER THAN IMPOUNDMENT OF DOG; PROVIDING FOR NON-COMMERCIAL KENNEL LICENSES; PROVIDING FOR DISPOSITION OF DOGS WITH RABIES; PROVIDING FOR DESTRUCTION OF DOGS; MAKING IT UNLAWFUL TO INTERFERE WITH SEIZURE OR DESTRUCTION OF DOGS; PROHIBITING CRUEL TREATMENT OF ANIMALS; DEFINING OWNER OF DOG; PROVIDING PENALTIES FOR THE VARIOUS VIOLATIONS OF THIS ORDINANCE; REPEALING ORDINANCE NOS 841, 581, 411, AND CHAPTER 35 OF THE REVISED ORDINANCES AND ALL OTHER ORDINANCES OR PORTIONS THEREOF IN CONFLICT HEREWITH; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE.

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF REXBURG, MADISON COUNTY, IDAHO:

**SECTION I: LICENSING OF DOGS.** It shall be unlawful for any person or persons to own, keep or harbor, any dog, male or female over 3 months of age within the City of Rexburg without obtaining a valid license. The fine for not having a valid license for a dog is established by resolution and detailed on the City of Rexburg master fee list.

**SECTION II: AMOUNT OF LICENSE.** Licenses will be provided for all dogs or cats residing within the City of Rexburg. These licenses shall be valid for one year on condition that the owner provides appropriate change of address or contact information to the Police department. The cost amount of licenses is established by resolution and detailed on the City of Rexburg master fee list. Licenses for animal ownership are non-transferable and a new license must be issued to the new owner. Failure to provide change of address or contact information to the Police department within 30 days of such change will invalidate the license and be punishable by a fine as set forth in Section I.

**SECTION III: ISSUANCE OF LICENSE.** The Police department shall issue a license to the dog or cat owner and shall maintain the following information regarding the license: the date of issue, the name and address and phone number of the owner, the name, age and sex of the dog or cat; a description of the dog or cat and the number of the license. The Police department shall furnish with each license a metal tag which shall be stamped with the number corresponding to the number of the license.

**SECTION IV: METAL TAG ATTACHED.** The metal tag, as described in Section III of the Ordinance, shall be attached to a collar and the collar kept on the neck of the dog. Failure to keep proper identification on the dog will be punishable by a fine established by resolution and detailed on the City of Rexburg master fee list.

**SECTION V: UNLICENSED DOGS - IMPOUNDMENT.** All dogs not licensed and collared, as provided in Sections I, II, and III above, are declared to be a public nuisance, and all police officers and animal control may take up and impound any dog not so licensed and collared. The fines for not having appropriate license will be established by resolution and detailed on the City of Rexburg master fee list.

**SECTION VI: DISTURBING THE PEACE UNLAWFUL.** It is unlawful for any person to own, keep or harbor within the limits of the City, where tethered, caged or otherwise, any animal which by barking howling, yelping, whimpering or whining, or by the making of other noises, disturbs the quiet of any neighborhood or person. Disturbing the peace determination will be made by a police officer or animal control after an investigation of said complaint. Violation of this section of the Ordinance will be punishable by a fine established by resolution and detailed on the City of Rexburg master fee list.

**SECTION VII: DOG DEFECACTION TO BE REMOVED BY ANIMAL OWNER.**

(A) No person owning, keeping or having in his or her immediate care or custody any animal shall knowingly fail or neglect to clean up any feces of the animal immediately and dispose of it in a sanitary manner whenever the dog has defecated upon public or private property owned or within the control of another and without the consent of such public or private owner or person. Failure to immediately clean and properly dispose of feces shall be punishable by a fine established by resolution and detailed on the City of Rexburg master fee list.

(B) The provisions of subsection A of this section shall not apply to a blind person being accompanied by a guide dog or signal dog, nor shall they be construed to require or countenance any act of trespass upon private property. Whenever the feces to be cleaned up cannot be reached without an unlawful trespass upon the private property on which the feces is located, the person having the duty pursuant to subsection A of this section to clean it up shall first obtain permission to do so from the owner or person in lawful possession or charge of the property. If a property owner does not consent to the owner of the animal cleaning up the feces, then subsection A of this Section will not apply to the animal owner.

**SECTION VIII: DOG LEASH REGULATIONS IN CITY OWNED PARKS**

Dogs are permitted in city owned parks, provided they remain leashed and under control of the owner or other duly authorized competent person. Failure to keep dog under control shall be punishable by a fine established by resolution and detailed on the City of Rexburg master fee list.

**SECTION IX: RUNNING AT LARGE - UNLAWFUL WHEN.** Except as provided by Section X, it is unlawful for any person to cause, permit or allow any dog, whether licensed or not, to roam, run or stray away from the premises of the owner, unless:

- A. Such dog be in the charge of and physically tethered to the owner or some duly authorized and competent person while controlled by a leash or chain not exceeding 26 feet in length. Electronic or any non-tethering leashes are not acceptable under this provision.
- B. Such dog is safely and securely confined or completely controlled while in any motor vehicle.
- C. Such dog is on any other premises with the consent of the person in possession of such premises.

Failure to keep the dog under control will be punishable by a fine established by resolution and detailed on the City of Rexburg master fee list.

**SECTION X: RUNNING AT LARGE - EXCEPTION.** The City Council may designate a fenced, off leashed dog area, or "Dog Park" for the training or exercise of dogs, or holding dog shows or exhibitions. Dogs within such areas need not be controlled by leash or chain, but shall be under the control of a responsible person and controlled by whistle, voice or other effective command. Failure to comply with this section will be punishable by

a fine established by resolution and detailed on the City of Rexburg master fee list.

**SECTION XI: IMPOUNDMENT DUTIES OF POLICE OFFICERS AND ANIMAL CONTROL.** Police officers and animal control may seize and impound any dog found to be running at large as provided in Section VII.

**SECTION XII: NOTICE OF IMPOUNDED AND REDEMPTION OF LICENSED DOGS.** The owner of every animal properly licensed and displaying the license as outlined in sections I, II, and IV, seized and impounded shall be notified by the animal shelter within normal hours of operation following impoundment. Telephonic notice shall be sufficient when the police officer speaks directly with the owner. Electronic communication may be used in lieu of telephonic notice where an electronic mail address is provided and shall be sufficient when sent to the electronic mail address provided on the application for license. Contact to the residence provided on the application for license, whether in person by officer, physical door hanger notice, or through postal mail shall be sufficient. Two contact attempts shall be made and considered sufficient notice as established above.

Every licensed animal seized shall be retained in the pound for a period of five days while notice is made telephonically, electronically or physically to the owner of the animal. At any time while the animal is impounded, the owner or keeper may redeem the animal by paying a return to owner fee plus a daily boarding fee for every twenty-four hours that the animal has been held in the animal shelter. The return to owner fees and daily boarding fees are set and established by resolution and detailed on the City of Rexburg master fee list. This will not relieve the owner from appearing in the Magistrate's Division of the District Court for Madison County to answer any charges that may be filed against him for violating any provision of this ordinance or State of Idaho code. Failure to redeem the animal will forfeit ownership rights of the animal to the City of Rexburg and subject the owner to an abandonment penalty established by resolution and detailed on the City of Rexburg master fee list.

**SECTION XIII: IMPOUNDMENT AND REDEMPTION OF UNLICENSED ANIMALS.** All animals seized and impounded that do not have a collar and license as provided in Sections I, II, and III, and whose ownership is unknown to the police department or animal control, shall be retained in the pound for a period of 72 hours, during which time the animal may be released on payment of a return to owner fee plus a daily boarding fee for every twenty-four hours that the animal has been held in the pound, as well as obtaining a license. The return to owner fees and daily boarding fees are set and established by resolution and detailed on the City of Rexburg master fee list. This will not relieve the owner from appearing in the Magistrate's Division of the District Court for Madison County to answer any charges that may be filed against him for violating any provision of this Ordinance or State of Idaho code. Failure to redeem the dog will forfeit ownership rights of the animal to the City of Rexburg and subject the owner to an abandonment penalty established by resolution and detailed on the City of Rexburg master fee list.

**SECTION XIV: CITATION - IN LIEU OF IMPOUNDMENT.** In lieu of seizing and impounding any dog found to be running at large in violation of Section VII (the Leash Law), the police officer or animal control may, if the owner of the dog is known, issue a citation.

**SECTION XV: CITATION - ISSUANCE.** The citation shall be issued by the police officer or animal control by handing a copy of the original to the owner. If the owner does not appear before the Magistrate on or before the date established on the citation after he has been notified of the offense, the police officer or animal control who issued the citation, shall prepare a formal complaint, charging the owner with the offense, including whether it be a first, second, third or subsequent offense, and present the same to the court for the issuance of a warrant of arrest.

**SECTION XVI: RABIES - QUARANTINE.** Animal control shall have authority to order the owner of any animal showing symptoms of rabies or of any animal which has bitten any person, to subject the animal to the city animal shelter for quarantine for a period not to exceed fifteen days. If the animal is determined to be free of rabies following an examination by a licensed veterinarian at the owner's expense, it shall be returned to the

owner after payment of a bite quarantine fee for the quarantine period plus any additional boarding fees incurred following the quarantine period, fees are established by resolution and detailed on the City of Rexburg master fee list. However, if the animal is not redeemed within five (5) days following the end of the quarantine period and fees are not paid, the owner will forfeit ownership rights of the animal to the City of Rexburg and may be subjected to an abandonment penalty established by resolution and detailed on the City of Rexburg master fee list. In lieu of submitting an animal to the animal shelter for quarantine, the owner may, at his expense, admit the animal to a veterinarian for the same quarantine period or an in-home quarantine may be requested by the owner with proof the animal is current on rabies vaccinations and can be properly quarantined as determined by animal control. This will not relieve the owner from appearing in the Magistrate's Division of the District Court for Madison County to answer any charges that may be filed against him for violating any provision of this ordinance or State of Idaho code.

**SECTION XVII: RABIES - DESTRUCTION.** Any animal known to be afflicted with rabies or any animal showing symptoms of rabies and not quarantined or violating the quarantine as outlined in Section XVI shall be euthanized immediately in as humane a manner as practical for the safety of the person performing the euthanasia, either by a licensed veterinarian, at the owners expense, or animal control.

**SECTION XVIII: DESTRUCTION OF ANIMALS.** Animals that have been impounded and not redeemed within the time periods established in Sections XII and XIII, or any injured animals for which an owner is not known or cannot be contacted may be dispositioned by animal control in a humane manner.

**SECTION XIX: UNLAWFUL TO INTERFERE WITH THE SEIZURE OR DESTRUCTION OF DOGS.** It is unlawful for any person to hinder, molest, or interfere with any person who is lawfully engaged in seizing, impounding, or destroying any dog, or removing the carcass as provided in this Ordinance. Violation of the section shall be punishable by a fine established by resolution and detailed on the City of Rexburg master fee list.

**SECTION XX: ANIMAL CRUELTY PROHIBITED.** It is unlawful for any person to maltreat or torture any animal, or having the right or authority to kill any animal, to kill the animal in an inhumane manner. Animals cruelly treated may be seized and held, at the owners expense, until ownership is either transferred to the City of Rexburg or the court orders the return of the animal following the owners appearance in the Magistrate's Division of the District Court for Madison County to answer any charges that may be filed against him for violating any provision of the ordinance or State of Idaho code subject to the terms in Section XXI.

**SECTION XXI: PROTECTIVE CUSTODY.** For all animals held in protective custody, the daily boarding fee established by resolution and detailed on the City of Rexburg master fee list must be paid at the police department or at the animal shelter in an interval not to exceed seven days since the prior payment. Protective custody will be any animal that was brought in by a police officer or animal control because of the owner's inability to care for the animal. For any animal in protective custody, failure to maintain payment of daily boarding fees for any period of time in excess of seven (7) days will be considered abandoned, and the owner will immediately forfeit ownership rights of the animal to the City of Rexburg.

**SECTION XXII: PUBLIC DISPOSITION OF ANIMALS.** It shall be unlawful to give away animals at any place of business or on City owned land within the city limits without first obtaining a permit from the Rexburg Police Department. The form to be completed for approval of permit application is attached hereto as Attachment #1. Within five (5) days of the date of disposition, the completed permit must be returned to animal control. The fines for violating this section are established by resolution and detailed on the City of Rexburg master fee list.

**SECTION XXIII: ABANDONMENT OF ANIMALS.** It shall be unlawful to abandon animals within the city limits or to abandon city animals in the surrounding area. The fine for this offense is established by resolution and detailed on the City of Rexburg master fee list.

**SECTION XXIV: ANIMAL CARCASS AND DISPOSAL.** It is the duty of any owner of any animal upon its death to remove and properly dispose of the carcass in a timely manner. Where there is no owner or the owner cannot be identified and located, it is the responsibility of the owner of the property where the carcass is located to properly dispose of the carcass in a timely manner. It shall be unlawful to move the carcass to any land owned by the City of Rexburg, any business or any other premises without the consent of the person in possession of such premises. Violation of the section shall be punishable by a fine established by resolution and detailed on the City of Rexburg master fee list.

**SECTION XXV: DEFINITION.** The term owner as used in this ordinance shall be construed to mean and include any person, persons, association, business entity, or corporation owning, harboring or keeping a dog or dogs within the corporate limits of the City of Rexburg, Idaho.

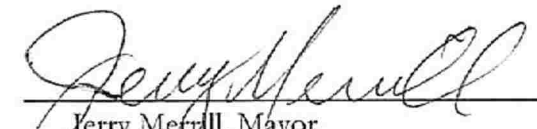
**SECTION XXVI: VIOLATIONS - PENALTIES.** Any persons or persons violating the provisions of this Ordinance shall be guilty of an infraction and shall be punishable as indicated in each section. In addition, all found guilty will be assessed costs.

**SECTION XXVII: REPEALING ORDINANCES.** Ordinance Nos. 841, 581, 411, Chapter 35 of Revised Ordinances, and all ordinances or portions of ordinances in conflict herewith are hereby repealed.

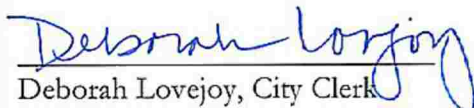
**SECTION XXVIII: EFFECTIVE DATE OF ORDINANCE.** This ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE CITY COUNCIL AND APPROVED BY THE MAYOR, on this 20<sup>th</sup> day of May, 2020.



  
Jerry Merrill, Mayor

ATTEST:

  
Deborah Lovejoy, City Clerk

**Attachment #1: Permit to Transfer Ownership of Animals**



# REXBURG POLICE DEPARTMENT

CHIEF SHANE TURMAN  
25 EAST MAIN ST, REXBURG  
Phone 208.359.3008  
Fax 208.359.3009



## PERMIT TO TRANSFER OWNERSHIP OF ANIMALS

ON CITY PROPERTY OR AT A PLACE OF BUSINESS WITHIN THE CITY OF REXBURG

### Applicant Information:

Date of Application \_\_\_\_\_

Name(s) \_\_\_\_\_ Phone Number \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

### Proposed Location and Date of Transfer of Ownership:

Date \_\_\_\_\_

Location (address and/or description) \_\_\_\_\_

To be filled out by Location Owner or Manager - NOT NACID unless signed by an authorized representative

Signature of Approval \_\_\_\_\_ Date Signed \_\_\_\_\_

Print Name \_\_\_\_\_ Position \_\_\_\_\_ Phone \_\_\_\_\_

Application Approved by \_\_\_\_\_ Officer ID \_\_\_\_\_ Date of Approval \_\_\_\_\_

### Animals for Transfer:

|    |                                                                        |
|----|------------------------------------------------------------------------|
| 1. | Species _____ Age _____ Color(s) _____ Sex [ M / F ] Altered [ Y / N ] |
|    | Transferred to: Name _____ DOB ____/____/____ Phone _____              |
|    | Address _____ City _____ State _____ Zip _____                         |
| 2. | Species _____ Age _____ Color(s) _____ Sex [ M / F ] Altered [ Y / N ] |
|    | Transferred to: Name _____ DOB ____/____/____ Phone _____              |
|    | Address _____ City _____ State _____ Zip _____                         |
| 3. | Species _____ Age _____ Color(s) _____ Sex [ M / F ] Altered [ Y / N ] |
|    | Transferred to: Name _____ DOB ____/____/____ Phone _____              |
|    | Address _____ City _____ State _____ Zip _____                         |
| 4. | Species _____ Age _____ Color(s) _____ Sex [ M / F ] Altered [ Y / N ] |
|    | Transferred to: Name _____ DOB ____/____/____ Phone _____              |
|    | Address _____ City _____ State _____ Zip _____                         |
| 5. | Species _____ Age _____ Color(s) _____ Sex [ M / F ] Altered [ Y / N ] |
|    | Transferred to: Name _____ DOB ____/____/____ Phone _____              |
|    | Address _____ City _____ State _____ Zip _____                         |

All animals must be transferred to persons 18 years of age or older. This completed form must be returned to the City of Rexburg within 5 days. This form is valid only for the date and location listed above. The top half of form must be displayed at all times. I agree that the above record is true and accurate - Signature \_\_\_\_\_ Date \_\_\_\_\_