

## City of Greenleaf

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### ANIMAL CONTROL BASICS

*This document is intended to provide a basic summary. For detail see the Greenleaf Code (codified ordinances of the City of Greenleaf) or Ordinance. The Ordinance is law, this document is not – In the event of discrepancy, be guided by the Ordinance.*

After over six months deliberation, the Greenleaf City Council adopted Ordinance #267 on 01 March 2016, repealing and replacing the previous animal control ordinance. This was done to update the organization, ease of use, and ease of enforcement of the animal control ordinance. The City of Greenleaf desires to be an animal-friendly community. The ordinance is intended to help solve problems caused by animals running at large in the city, and to otherwise regulate animal ownership, care and treatment, and to provide for determination, registration and disposal of vicious animals in the city. The State of Idaho authorizes animal control by cities under Idaho Code §50-302, 50-304, 50-319, and 50-334.

Animal control is included in the city's agreement for law enforcement services with Wilder Police. The Chief of Wilder Police has been appointed to also serve as the City of Greenleaf's Animal Control Officer for enforcement of the Animal Control Ordinance, including removal of dead small animals from public roads and rights of way (GC §5-5-23).

***Cruelty to Animals (GC §5-5-4)*** – If you choose to have animals, then care for them. It is unlawful to act in a cruel manner to any animal by:

- Not providing:
- Sufficient good and wholesome food and water
  - Proper shelter and protection from the weather
  - Proper veterinary care to prevent suffering or disease
  - A clean and wholesome environment in which to live
  - Protection from the abuse of other persons

- Doing the following:
- Abusing or otherwise mistreating
  - Torturing
  - Misusing
  - Overloading or over-riding beasts of burden
  - Abandoning
  - Exposing to unreasonable danger to health or life

***Prohibited Acts (GC §5-5-5)*** – Except when great bodily harm or death is likely to immediately ensue, it is unlawful 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. *This is a misdemeanor.*

It is unlawful for any person to participate in any canine or cock fight, per Idaho Code §25-3506 and §25-3507, punishable in accordance with Idaho Code §25-3520:A.

***Interfering with an Animal Control Officer (GC §5-5-6)*** - It is unlawful for any person to hinder, molest, or in any way interfere with any animal control officer while the officer is lawfully engaged in the performance of their duties. *This is a misdemeanor.*

***Wild Animals Prohibited (GC §5-5-7)*** – It is unlawful for any person to harbor, keep, maintain, or possess any wild animal, or any wild hawk, eagle, or wild fur-bearing animal as determined by the United States Fish & Wildlife Service endangered species list (CFR Title 50, Part 17).

***Vicious Animals (GC §5-5-8, §5-5-9, §5-5-10, §5-5-11)*** – Animals are determined to be vicious through a hearing process, or may be determined vicious immediately by an animal control officer acting in self-defense or in defense of others. Vicious animals must be registered to be licensed, with requirements for insurance, tattooing, signage warning a vicious dog is on the premises, and a notarized statement to comply with specified requirements. *Violation of vicious animal registration requirements is a misdemeanor.*

Additional requirements apply for confinement and restraint. Owning a vicious animal also establishes significant civil liability for damages in event of attack, with provision for civil penalties.

***Liability of Parents for Damages Caused by Animal Owned by a Minor (GC §5-5-13)*** – In the event that the owner of any animal is a minor, the parent or guardian of such minor shall be liable for all injuries, property damage, fines and impound fees caused or incurred by said animal.

***Dogs or Canines (GC §5-5-14 through §5-5-27)*** – Dogs ownership requires responsibility! Roughly half of the Animal Control Ordinance is related to dogs.

Dog Licensing (GC §5-5-14, §5-5-15): Dog licenses are required for dogs more than three (3) months of age, with licensing fee applicable. More than three (3) dogs requires a kennel license. Dog licenses are valid until 15 January of the year following issuance. Proof of rabies vaccination is required. If a dog license is lost, a replacement can be issued. Licenses for the following year are available in mid-October.

Residential Kennel License (§5-5-16): A residential kennel is for more than three (3) dogs age three (3) months or older, not for breeding or boarding operations or any other commercial use. The kennel license expires at 12:00 midnight on 31 December of the calendar year of date of issuance, except that new licenses issued in December will expire at 12:00 midnight on 31 December of the following calendar year. Kennel licenses must be renewed annually. A residential kennel license application must be submitted with applicable fees, and written consent for the kennel by at least seventy-five percent (75%) of all property owners within one hundred fifty feet (150') of the proposed kennel property. The license is approved administratively. Annual renewal may be done administratively upon inspection of the kennel by the Animal Control Officer and payment of applicable fees if no complaints regarding the kennel have been received – If complaints have been received, then the application for renewal shall be scheduled for the next City Council Meeting for approval or denial.

Commercial Kennel License (§5-5-17): A commercial kennel is for more than three (3) dogs age three (3) months or older, for purposes of breeding, boarding, training, showing, selling, or any other commercial use. The kennel license expires at 12:00 midnight on 31 December of the calendar year of date of issuance, except that new licenses issued in December will expire at 12:00 midnight on 31 December of the following calendar year. Kennel licenses must be renewed annually. Commercial kennel license applications must be submitted with applicable fees, and a list of all property owners as shown on the Canyon County Assessor's records, along with complete addresses, located within one hundred fifty feet (150') of the proposed kennel property, along with an animal facilities and care plan including:

- Description of maximum numbers of animals for which the license is sought
- Description of facilities, including sanitation, feeding, grooming, shelter from weather, and health care for animals
- Description of day-to-day schedule for supervision of animals and management of the facility
- Description of measures that will be taken to mitigate nuisance situations, which may include, but not be limited to, odor, noise, flies, and dust, and threshold to trigger mitigation activity if taken on an as-needed basis

The license is approved or denied by the City Council following a public hearing. The Commercial Kennel License is issued to the applicant and is not transferable to another location, but may be assigned or transferred to new ownership at that same location. Annual renewal is administrative upon successful review by the Animal Control Officer of any complaints received and inspection to confirm the animal facility care plan is being followed. If the facility does not pass review and inspection, then the applicant may request a public hearing and follow the process as for a new commercial kennel license. The license may be administratively revoked by the Animal Control Officer for failure to comply with the animal facilities care plan, with provision for appeal to the City Council.

Dog Collar and License Tag Required (§5-5-18): Dogs are required to wear a collar at all times with dog license tag attached. Dog license tags are not transferable from one dog to another. No refunds on dog license fee are made due to death of the dog or any other reason.

Dogs Running at Large Prohibited (§5-5-20): It is unlawful for dogs to be at large on the roads, streets or alleys of the city, in any public place, or on private property without consent unless the dog is controlled by a leash, is confined in a motor vehicle, or is under the control of a responsible person and controlled by whistle, voice, or other effective command.

Dogs (or other animals...) Unattended in Vehicles (§5-5-21): It is unlawful to leave a dog or other animal in any unattended motor vehicle without adequate ventilation, sanitary conditions, or in such manner as to subject the animal to extreme temperatures which adversely affect the animal's health and safety.

Rabies, Diseases, and Quarantine (§5-5-22): It is unlawful for anyone other than a veterinarian or an animal shelter to have, keep, or harbor any animal afflicted with rabies. Animal owners have a duty to surrender animals suspected of having rabies for impound to determine if afflicted or free of rabies. It is unlawful to keep or harbor any dog over three (3) months of age unless vaccinated against rabies. Proof of rabies vaccination is required to receive a dog license & dog license tag. A temporary license valid for five (5) business days

may be issued to allow a dog owner to get the dog vaccinated for rabies.

Dogs Disturbing the Peace (§5-5-24): It is unlawful for dog owners to fail to exercise reasonably necessary proper care and control of their dog to prevent it from disturbing the peace and quiet of the neighborhood by barking, whining, or making loud or unusual noises, or by running through or across cultivated gardens or lawns that are not the property of the dog owner.

Nuisances & Cats (§5-5-25): Any dog without a license or running at large is declared a nuisance to be impounded. Animals under control and service dogs are allowed in city-owned buildings, with the animal's owner or responsible person liable for any damage or disturbance caused by the animal. Animals are allowed in public parks. Dogs must be under the control of a responsible person and controlled by leash, whistle, voice, or other effective command. The City Council may, by resolution, allow animal exhibitions or shows in city parks with separate rules and regulations.

It is unlawful for the owner or custodian of an animal to permit the animal to defecate on a public street, sidewalk, park or other area, or upon the property of another unless the owner or custodian immediately removes and disposes of all animal waste

Cats are exempt, not deemed to be at large and subject to impound unless the cat is causing a disturbance, or is a public nuisance animal, or has been complained of, or is sick, injured, or obviously uncared for.

Dog Impound (§5-5-26): Dogs will be impounded for running at large or disturbing the peace, but fierce, dangerous, or vicious dogs found running at large may be killed if they cannot be safely taken up and impounded. Impounded dogs may be recovered upon paying required fees which may include impound fee, rabies voucher, license fees, and any other applicable fees. Impounded dogs will be kept for five (5) business days before being adopted out or disposal (humanely killed). Owners may turn in their dog to the Animal Control Officer for adoption or disposal with the appropriate form and impound fee.

***Livestock, Poultry, Aquaculture , Other Animals, and Beekeeping)***:

Livestock (§5-5-28, §5-5-28.): Livestock are defined under §5-5-3 as swine, cattle, sheep, goats, domestic equidae (such as horses and mules), ratites (defined under §5-5-3 as large non-flying birds including but not limited to ostriches, emus, cassowaries and rheas), and rabbits. Livestock running at large or disturbing the peace may be impounded and sold or destroyed if not redeemed by the owner. Impounded livestock may be sold after fifteen (15) days from notice of sale by posting at animal shelter and mailing to owner, if owner is known.

*\*\*\* It is unlawful to keep, maintain or possess livestock without an animal facility license as provided in section §5-5-35. \*\*\**

*Horses and other livestock are subject to the §5-5-25 (nuisances) provision that it is unlawful for the owner or custodian of an animal to permit the animal to defecate on a public street, sidewalk, park or other area, or upon the property of another unless the owner or custodian immediately removes and disposes of all animal waste.*

Poultry (§5-5-31): Poultry are defined under §5-5-3 as domesticated fowl, such as but not limited to, chickens, turkeys, ducks, or geese, raised for meat or eggs. It is unlawful for the owner or keeper of any poultry to permit, or fail to prevent such poultry from, running at large within the city. The keeping of male poultry or roosters is allowed.

*\*\*\* It is unlawful to keep, maintain or possess more than twelve (12) poultry animals without an animal facility license as provided in section §5-5-35. \*\*\**

Aquaculture (§5-5-32): Aquaculture is defined under §5-5-3 as the cultivation of marine or freshwater food fish or shellfish, such as but not limited to, oysters, clams, shrimp, salmon, catfish, tilapia, perch, and trout, under controlled conditions, including aquaponics, a system of aquaculture in which the waste produced by farmed fish or other aquatic animals supplies nutrients for plants grown hydroponically, which in turn purify the water.

*\*\*\* It is unlawful to keep, maintain or possess an aquaculture operation without an animal facility license as provided in section §5-5-35. \*\*\**

An animal facility license for aquaponics cannot be issued without a signed, notarized statement from the property owner regarding aquaculture operation water runoff and discharge into the municipal sewer system. Please see §5-5-32:B for detail.

Other Animals (§5-5-33): It is unlawful for the owner or keeper of any fowl or other animals, other than cats as provided in section §5-5-25:D, to permit, or fail to prevent such animal from, running at large within the corporate limits of the city.

Apiaries; Beekeeping (§5-5-34): Beekeeping is allowed without requirement for an animal facility license, with the following standards:

- Maximum limit of three (3) colonies per parcel, plus one nucleus colony for educational purposes, queen maintenance and rearing, or for use in the capture and future integration of a swarm into a viable colony
- Colonies shall be kept in hives with removable frames
- Colonies located within twenty-five (25) feet of a property boundary must have a flyway barrier consisting of a solid wall, fence, or dense hedge at least six (6) feet in height parallel to the property line and extending ten (10) feet beyond the apiary in each direction
- Hives shall be located at least twenty (20) feet from front property lines and three (3) feet from other property lines, with back of the hive oriented to adjoining properties
- Except in winter and other inactive months, provision of a constant supply of fresh water, readily accessible to the bees and allowing them to access water by landing on a hard surface
- Colonies must be maintained so as to not interfere with the quiet enjoyment of surrounding properties, and hives not being actively maintained shall be removed
- Where a colony exhibits unusually aggressive characteristics the colony shall be destroyed or re-queened
- Beekeeping shall comply with all applicable State Laws
- Contact information for a responsible party shall be posted at apiaries on vacant properties
- Keeping of wasps, hornets, africanized bees, and other noxious insects is prohibited

**Animal Facility License (§5-5-35):** Animal facility licenses expire at twelve o'clock (12:00) midnight on 31 December of the calendar year of date of issuance, with the exception of new licenses issued in December which expire at twelve o'clock (12:00) midnight on 31 December 31 of the following calendar year. These licenses must be renewed annually. Application must be submitted with applicable fees and an animal facilities care plan which includes the following:

- Description of number and type / breed of animals
- Description of facilities, including sanitation, feeding, grooming, shelter from weather, and health care of the animals
- Description of day-to-day schedule for supervision of animals and management of the facility
- Description of measures that will be taken to mitigate nuisance situations, which may include, but not be limited to, odor, noise, flies, and dust, and threshold to trigger mitigation activity if taken on an as-needed basis
- Description of measures that will be taken to mitigate any environmental concerns, to specifically include a signed, notarized statement from the property owner stating that no water or runoff from the facility will be allowed to leave the property, and authorizing the city to lien the property for any expenses incurred by the city arising from facility water or runoff allowed to leave the property

Applications are reviewed and issued administratively, with provision for appeal to the City Council if the application is denied administratively. The animal facility license is issued to the applicant and is not assignable or transferable to another premises, but may be assigned or transferred to new ownership at the same premises. Annual renewal is administrative upon successful review by the Animal Control Officer of any complaints received and inspection to confirm the animal facility care plan is being followed. The Animal Control Officer may waive renewal application fees upon finding that no complaints have been received for the preceding license period. If the facility does not pass review and inspection, the application may be administratively denied with provision for appeal to the City Council. The license may be administratively revoked by the Animal Control Officer for failure to comply with the animal facilities care plan, with provision for appeal to the City Council.

***Penalties (§5-5-36)*** – Unless specifically provided otherwise, violations of the Animal Control Ordinance are infractions, punishable by fine per Idaho Code §18-113A and Idaho Infraction Rule 9 Subsection 46 of the Infraction Penalty Schedule. For violations specified as misdemeanors, a person convicted is subject to fine of up to \$1,000.00 and/or up to six (6) months in jail. Each day a person commits or permits a violation to continue constitutes a separate offense.