

TITLE 5
PUBLIC SAFETY

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CHAPTER 1
LAW ENFORCEMENT

SECTION:

5-1-1: Law Enforcement Contracted With County

5-1-1: **LAW ENFORCEMENT CONTRACTED WITH COUNTY:**
Pursuant to an intergovernmental agreement, the city has contracted with the Jefferson County sheriff's department to enforce state statutes and county and city ordinances, including, but not limited to, traffic enforcement and criminal and civil enforcement. (2012 Code)

CHAPTER 2**GENERAL OFFENSES****SECTION:****5-2-1: DISTURBING THE PEACE:**

- A. **Prohibited Conduct:** It shall be unlawful for any person to maliciously and willfully disturb the peace or quiet of any neighborhood, family or person by loud or unusual noise, or by tumultuous or offensive conduct, or by foul or offensive odors, or by threatening, traducing, quarreling, challenging to fight or fighting, or use any vulgar, profane or indecent language in a loud and boisterous manner.
- B. **Penalty:** Any person violating the provisions of this section, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code. (2012 Code)

5-2-2: AIR COMPRESSION BRAKES:

- A. **Definitions.** For the purposes of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.
1. **Compression Brake.** Any engine retarding brake system, transmission brake, or any other retarding brake system that alters normal compression, including but not limited to DYNAMIC BRAKE, JAKE BRAKE, JACOBS BRAKE, C-BRAKE, PACCAR BRAKE, or any other make or model of engine braking system, or other braking system that alters the normal compression of the engine and subsequently releases that compression.
 2. **Vehicle.** The definition of vehicle for the purpose of this Section shall be the same as set forth in Idaho Code § 49-123(2).
 3. **Truck.** The definition of truck for the purpose of this Section shall be the same as set forth in Idaho Code § 49-121(10).

- B. Prohibitions.** It shall be unlawful for the driver of any vehicle or truck to use or operate or cause to be used or operated within the city, any compression brake or mechanical exhaust device designed to aid in the braking or deceleration of any vehicle except under emergency circumstances where the use of air compression brakes is necessary to prevent an accident or injury to persons or property.
- C. Areas of prohibition.** The prohibition set forth herein shall apply to the following:
1. All roads within the city limits of the City of Lewisville
 2. Highway 48 within the City limits of the City of Lewisville
 3. Lewisville Highway within the city limits of the City of Lewisville
 4. All truck routes within the City of Lewisville more particularly designated as 480 North and 500 North.
- D. Signage.** Signs including the phrase "COMPRESSION BRAKING PROHIBITED" may be installed at locations deemed appropriate by the City Council, by Resolution, to advise motorists of the prohibitions contained in this section.
- E. Penalty.** Any person who violates any provision of this Section 5-2-2 of the Lewisville Code shall be deemed guilty of an infraction and punished as provided in Section 1-4-1B of this Code. Any second violation within a term of 5 years from the date of conviction of the prior violation shall be punished as a misdemeanor as set forth in Section 1-4-1A of this Code.
- F. All ordinances or parts of ordinances in conflict herewith are hereby repealed. (Ord 2022-03)**

CHAPTER 3

DOG CONTROL¹

SECTION:

- 5-3- 1: Title
- 5-3- 2: Definitions
- 5-3- 3: Licensing Requirements And Fees
- 5-3- 4: Kennel License
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- 5-3- 6: Records
- 5-3- 7: Disposition Of Monies Collected
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- 5-3- 9: Rabies; Procedure Upon Detection Or Upon Dog Biting A
Person
- 5-3-10: Nuisances
- 5-3-11: Liability For Damage
- 5-3-12: Seizure Of Dogs
- 5-3-13: Right Of Entry
- 5-3-14: Abandonment
- 5-3-15: Care, Housing And Treatment
- 5-3-16: Zoning Regulations
- 5-3-17: Complaints Or Reports Of Violations
- 5-3-18: Violations And Fines

5-3-1 : **TITLE:** This chapter shall be known and referred to as the
DOG CONTROL ORDINANCE OF THE CITY OF LEWISVILLE, IDAHO.
(Ord. 0-1-07, 1-9-2007, eff. 3-1-2007)

5-3-2: **DEFINITIONS:** For the purpose of this chapter, the following
terms are defined as:

ANIMAL CONTROL CONTRACTOR: A person or organization designated or contracted
with by the city council to provide animal control
enforcement services.

1. See section 8-5-8 of this code for keeping of livestock and poultry.

AT LARGE:

Off the premises of the owner, and not under the control of the owner of a responsible person capable of handling the dog at all times, by other means of a leash, collar and chain, rope or other method of restraining.

A. No dog shall be deemed to be at large if it is a service dog, properly trained and in use by someone with a disability that makes use of that dog.

B. No dog shall be deemed to be at large if the dog has been trained to assist in law enforcement and is under the command of a law enforcement officer.

HABITUAL:

Repeatedly during any given one hour period, or continuously for a period of ten (10) consecutive minutes or more, and which is audible on any adjacent property or public right of way.

HARBOR

(Also KEEP):

OWNER:

To provide food, shelter, or residence to any dog.

Any person or entity who owns, possesses, keeps, or harbors any dog or otherwise has custody of any dog in his/her care, and any person who permits any dog to remain on or about any property occupied by him/her, whether for compensation or otherwise, whether temporary or permanent, within the city limits of Lewisville. In the event a person who owns a dog is less than eighteen (18) years of age, the owner shall be deemed the parent or guardian of that person (or the head of the household in which that person resides).

KENNEL LICENSES:

NON-COMMERCIAL KENNEL LICENSE: License required for households within the City of Lewisville that has more than three (3) dogs, which shall not include any service animals which meet the definition set forth in Title III of the Americans With Disability Act.

COMMERCIAL KENNEL: A kennel where the owner or keeper of dogs sells or advertises for sale,

boards, breeds, trains, treats or handles dogs for a consideration, provided however any clinic or place owned or operated by a veterinarian licensed under state law shall not be considered a kennel; or any household within the City limits where more than three (3) dogs over the age of six (6) months are kept.

PREMISES: Any part of a property excluding the house.

VICIOUS DOG: Any dog which, when not physically provoked, attacks, wounds, bites, or otherwise injures a person, livestock or pet who is not trespassing on the owner's premises. (Ord. 0-1-07, 0-9-7, eff. 3-1-2007)

5-3-3: LICENSING REQUIREMENTS AND FEES:

- A. **License Required:** It shall be unlawful to keep any dog over the age of six (6) months within city limits for more than thirty (30) days total during any one year period unless the owner of the dog shall have obtained a dog license for the City. The number of dogs per property shall not exceed the limit of three (3) dogs or as set forth in Section 8-5-8E of the City Code, in addition to any duly certified service animals as set forth in Title III of the Americans With Disability Act. All dogs within the City over the age of six (6) months shall be licensed by the City.
- B. **Rabies Inoculation:** It shall be unlawful to keep any dog over the age of six (6) months within the city limits unless the dog has been inoculated against rabies by a licensed veterinarian. No license shall be issued for a dog unless the applicant for the license presents proof from a licensed veterinarian that the dog has been immunized from rabies for the license period.
- C. **Term Of License:** Licenses shall be effective through the lifetime of the animal.

D. License Fees:

1. **Lifetime Licensing Fee:** The fee for a lifetime dog license shall be set by resolution of the City Council of the City of Lewisville, Idaho.
2. The licensing fee shall cover the animal during its lifetime and shall not be transferrable.
3. **Payment to Clerk/Treasurer:** The licensing fee shall be paid to the City Clerk/Treasurer or designated person, who shall thereupon give to the person paying it a receipt reciting the owner's name, and the number of the license, and a metal tag or disk bearing the license number corresponding with that recorded on the receipt.
4. **Lost Tag Replacement:** In the event the license tag is lost, a replacement shall be provided to the owner by the city clerk-treasurer, or designated person, at the expense set forth in the current City of Lewisville Fee Schedule for the current year for each tag.
5. **Refund:** No refund associated with any fee or cost of licensing a dog or kennel shall be given. This applies to, but is not limited to dogs which have been sold, moved, become deceased, or resided out of the city. (Ord 2014-1)

5-3-4: COMMERCIAL AND NON-COMMERCIAL KENNEL LICENSES:

It shall be unlawful to operate a dog kennel or to keep upon the premises of any one household or upon the premises of any one business property, more than three (3) dogs, which shall not include any service animals which meet the definition set forth in Title III of the Americans with Disability Act, unless the owner or person in charge thereof has a commercial or non-commercial kennel license.

A. Non-commercial Kennel License:

1. **Ownership and Transferability:** All dogs kept in a non-

commercial kennel shall be owned by members of the immediate household and separate tags shall be issued for each dog. In no event may any holder of a non-commercial kennel license keep more than three (3) dogs, or as set forth in Section 8-5-8E of the City Code, upon the licensed premises. Non-commercial kennel licenses shall not be transferable to any other owner. Such license may be revoked by the City Council upon a finding that twenty-five percent (25%) or more of the owners located within three hundred feet (300') of the exterior boundaries of the licensed premises have filed a written petition with the City Clerk requesting that such license be revoked. In that event a new license shall not thereafter be issued unless seventy-five percent (75%) or more of the owners located within three hundred (300') feet of the exterior boundaries of the licensed premises consent in writing to the issuance of a new license.

2. Application: Application for a non-commercial kennel license shall be presented to the City Clerk accompanied by written consent of at least seventy five percent (75%) of all persons in possession of property within three hundred feet (300') of any part of the property line of the premises of the applicant. The application shall state the name and address of the owner, the location of the non-commercial kennel and the name, breed and the number of dogs for which the license will be issued. The kennel license shall not be effective until the Clerk has proof that all dogs have been immunized, licensed and fees have been paid.

3. Petition: If seventy five percent (75%) consent is not received, the applicant may petition the City Council for approval of the application; in which case, the City Council will invite, at minimum, those who did not give their consent, to the next City Council meeting to hear their objections. After such meeting, the City Council will state the reason for their decision. If the application is not approved, the applicant, after correcting the issues that resulted in the disapproval, may reapply for approval at the next City Council meeting.

4. Deposit: The application for a non-commercial kennel license shall be accompanied by a license fee as set for the current City of Lewisville Fee Schedule.

5. **License Renewal:** Non-commercial kennel licenses shall last through the calendar year and shall be renewed annually. Renewal of the license does not require a new written consent from neighbors, provided there are not more than two (2) violations of Section 5-2-1 and Section 5-3-10 of the City Code of Lewisville resulting in the payment of a fine, jail time, or some form of a fine and jail time combined during the period for which the most recent license was issued.

6. **Violation:** Maintaining a non-commercial kennel without a valid kennel license shall be considered a violation of the City Code of Lewisville and the resident shall be liable as set forth in 5-3-18 of the City Code of Lewisville.

7. **Additional Dogs:** Whenever additions are made to the number of dogs over the age of six (6) months for which a non-commercial kennel license has been issued, the licensee shall, within three (3) days, report to the City Clerk or designated person, and pay the fee as set forth in Section 5-3-4A.4.

8. **Individual Dog Licenses:** The issuance of a non-commercial kennel license shall not eliminate the necessity of obtaining individual dog licenses.

B. Commercial Kennel License:

1. **Definition:** A Commercial Kennel is a kennel where the owner or a keeper of dogs sells or advertises for sale, boards, breeds, trains, treats or handles dogs for a consideration, or owns more than three (3) dogs. Any clinic or place owned or operated by a veterinarian licensed under state law shall not be considered a kennel.

2. **Licensing:** The kennel shall be licensed for the number of dogs listed on the Application. The number of dogs allowed in the kennel can be increased only through the reapplication process with the consent of seventy-five percent (75%) of all property owners located within three hundred feet (300') of the exterior boundaries of the property upon which the kennel will be operated.

3. **Application:** Application for a commercial kennel license shall be made to the City Council at a regularly scheduled meeting and placed on the agenda as an action item. The application must state the name and address of the owner, location of the commercial kennel, the number of dogs for which

the application is being made, the breed and name of each dog and the zone in which the kennel will be maintained. The application must be accompanied by the written consent to such commercial kennel by at least seventy five percent (75%) of all persons in possession of property within three hundred feet (300') of any part of the property line of the premises of the applicant. The City Council retains the right to set conditions for granting the commercial kennel license. City Council members or designated persons may make random inspections of commercial kennels to assure compliance with the Lewisville City Code and the conditions stipulated in granting a commercial kennel license. The commercial kennel license shall not be effective until the City Clerk has proof that all dogs have been licensed, immunized and fees have been paid.

4. Petition: If seventy five percent (75%) consent is not received, the applicant may petition the City Council for approval of the application; in which case, the City Council will invite, at minimum, those who did not give their consent, to the next City Council meeting to hear their objections. After such meeting, the City Council will state the reason for their decision. If the application is not approved, the applicant, after correcting the issues that resulted in the disapproval, may reapply for approval at the next City Council meeting.

5. Deposit: The application for a commercial kennel license shall be accompanied by a license fee as set forth in the current City of Lewisville Fee Schedule. In the event the license is not issued, said fee shall be returned to the applicant.

6. Additional Dogs: Whenever additions are made to the number of dogs over the age of six (6) months up to the amount applied for in the application for a commercial kennel license, for which a commercial kennel license has been issued, the licensee shall, within three (3) business days, report to the City Clerk or designated person, and pay the fee as set forth herein.

7. License Renewal: Kennel licenses shall last through the calendar year and shall be renewed annually. Renewal of the license does not require a new written consent from neighbors, provided there are not more than two (2) violations of Section 5-2-1 and Section 5-3-10 of the City Code of Lewisville resulting in the payment of a fine, jail time, or some form of a fine and jail time combined during the period for which the most recent license was

issued.

8. Violation: Maintaining a commercial kennel without a valid commercial kennel license and a valid business license as set forth in Section 3-1 of the City Code of Lewisville, shall be considered a violation of the Lewisville Code and the resident shall be liable as set forth in 5-3-18 of the Lewisville Code.

9. Individual Dog Licenses: The issuance of a kennel license shall not eliminate the necessity of obtaining individual dog licenses. (Ord. O-1-07, 1-9-2007, 2018-6 eff. 7-11-2018)

5-3-5: **APPLICATION FOR LICENSE:** Licenses can be applied for at any city council meeting or by calling the city clerk-treasurer and arranging a time convenient to both parties. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)

5-3-6: **RECORDS:**

A. Records Required: All applications, receipts, licenses and paperwork relating to this chapter shall be and remain on file in the office of the city clerk-treasurer for a period of one year after the time for which the paperwork is applicable or other time as required by law.

B. Animal Control Contractor: It shall be the duty of the animal control contractor to keep records, subject to inspection by the city council or their designated agents, regarding the carrying out of the duties set forth in this chapter. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)

5-3-7: **DISPOSITION OF MONIES COLLECTED:** All monies collected in relation to this chapter shall be paid into the general fund of the city and earmarked for the administration of this chapter. This chapter shall be reviewed annually and all fees and costs shall be amended as needed by resolution. The fees and costs shall be of a reasonable amount to fully cover the cost of administrating this chapter but not meant to generate a profit. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)

5-3-8: **CONTROL AND CONFINEMENT:**

A. Running At Large: It shall be unlawful for the owner of any dog to allow it to roam at large.

- B. **Control By Owner:** It shall be unlawful for the owner to allow or permit a dog to be or remain 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 that property, unless the dog shall be in the charge of the owner and controlled by a leash, is confined in a motor vehicle, or under the reasonable control of a responsible person capable of handling that dog.
- C. **Areas For Training Or Exercise:** The city council may designate areas of public property, subject to rules and regulations as may be prescribed, for the training or exercise of dogs. Dogs within those areas need not be restrained; provided, that the dog is under the control of a responsible person and responds to a whistle, voice or other effective command. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)

**5-3-9: RABIES; PROCEDURE UPON DETECTION OR UPON
DOG BITING A PERSON;**

- A. **Authority To Order Quarantine:** The animal control contractor has the authority to order the owner of any dog showing symptoms of rabies, or that has bitten any person, to subject the dog to the city pound, or facility designated by the city council, to be quarantined for a period of time not to exceed fifteen (15) days.
- B. **Payment of Costs:**
 - 1. If a licensed veterinarian determines that the dog does not have rabies, and the dog did not bite a person, the owner may retrieve the dog and the city shall cover all expenses associated with the housing and feeding of the dog during the time it was quarantined up through the day the owner was given notice that the dog was available to be picked up.
 - 2. If the dog did bite a person, the owner of the dog shall regain possession of the dog upon payment of all applicable fees, costs and fines.
- C. **Disposal of Rabid Dog; Costs:** Any dog afflicted with rabies shall be disposed of properly and immediately either by the animal control contractor, or entity designated by the city council. All costs associated with the housing, feeding and disposal of the dog will be billed by itemized bill to the owner by the city clerk-treasurer. (Ord. O-1-07, 1-9-2007, eff.3-1-2007)

5-3-10: NUISANCES:

- A. **Keeping Vicious Dog Unlawful:** It shall be unlawful for any person to keep a vicious dog.
- B. **Barking; Noise:** It shall be unlawful for any owner to keep any dog which engages in habitual barking, whining, loud howling, crying, or conducts itself in such a manner as to unreasonably and habitually annoy any person.
- C. **Chasing Persons Or Vehicles:** It shall be unlawful for any owner to allow any dog to chase or otherwise harass any person in such a manner as to reasonably cause intimidation or to cause a person apprehension of bodily harm or injury; or habitually chase, run alongside of or bark at motor vehicles or bicycles.
- D. **Damage Or Destroy Property:** It shall be unlawful for any owner to allow any dog to cause damage to or destruction of property.
- E. **Removal Of Feces:**
1. It shall be unlawful for any owner to allow feces deposited by their dog to remain on property other than their own premises. The owner shall immediately remove and dispose of all feces deposited by their dog on private or public property in a sanitary manner.
 2. It shall be unlawful for any owner of any dog to allow feces to accumulate on private property owned or controlled by the owner to a level which is detrimental to the health, safety or welfare of persons or property. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)

5-3-11: LIABILITY FOR DAMAGE:

- A. Any person, on finding a dog on their premises, may take such action as is reasonably required to protect life, pets, livestock and property, and the owner of the dog can sustain no action for damages against the person that took the action. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007; amd. 2012 Code)
- B. In the prosecution of actions under the provisions of this section, it is not necessary for the plaintiff to show that the owner of the dog had knowledge of the fact that the dog would kill, wound or cause damage. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)

5-3-12: SEIZURE OF DOGS:

- A. **Duty To Seize:** Seizure of stray or at large dogs shall be the duty of the animal control contractor.
- B. **Dogs Subject To Seizure:** Any dog, whenever and wherever found on any property within the city, other than the property of the owner of that dog, without a collar with a valid license tag or disk, as prescribed herein, and not under the control of the owner shall be seized. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)
- C. **Disposition Of Seized Dog:** Upon seizure of the dog, if it is known who the owner of the dog is, the animal control contractor shall return the dog to the owner. If it is not known who the owner is, the dog shall be confined by the city in a proper impound for a period of five (5) days excluding holidays and weekends. After the five (5) days, excluding weekends and holidays, have elapsed and a reasonable effort has failed to locate the owner, the city or its delegate may dispose of the dog in a humane manner. (Ord., 2-9-2010)
- D. **Redemption By Owner:** Upon seizure of the dog, the owner of the dog shall regain possession of the dog upon payment of all applicable fees, costs and fines. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)
- E. **Costs Set By Resolution:** The cost for seizure and impounding of the dog shall be set by resolution of the city council. (Ord., 2-9-2010)

5-3-13: RIGHT OF ENTRY: The animal control contractor shall have the right to enter upon any premises for the purpose of carrying out the duties set forth in this chapter. When a dog that is in violation of this chapter is being pursued by the animal control contractor, the animal control contractor shall not have the right to enter upon a premises to seize the dog if the dog is not at that time, or shortly prior to that time, in violation of this chapter. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)

5-3-14: ABANDONMENT: It shall be unlawful to abandon any dog within the city. (Ord. O-1-07, 1-9-2007, eff. 3-1-2007)

5-3-15: CARE, HOUSING AND TREATMENT: Issues relating to the care, housing and treatment of dogs is beyond the scope of this chapter, and such issues should be addressed with the Humane

Society or other organization responsible for such issues. (Ord. 0-1-07, 1-9-2007, elf. 3-1-2007)

5-3-16: **ZONING REGULATIONS:** No provision herein shall be deemed to vary or alter any of the zoning regulations of the city. (Ord. 0-1-07, 1-9-2007, elf. 3-1-2007)

5-3-17: **COMPLAINTS OR REPORTS OF VIOLATIONS:** All complaints or reports of violations of this chapter shall be in writing and be directed to the animal control contractor. (Ord. 0-1-07, 1-9-2007, elf. 3-1-2007)

5-3-18: **VIOLATIONS AND FINES:**

- A. Any person violating this chapter shall be guilty of (1) an infraction on the first offense, and shall be fined not more than one hundred dollars (\$100.00) for that offense; (2) an infraction on the second offense, and shall be fined not more than three hundred dollars (\$300.00) for that offense; (3) a misdemeanor on the third offense and each offense thereafter, and shall be fined not more than one thousand dollars (\$1,000.00) and/or jailed for not more than six (6) months for that offense. (Ord. 2014-2, eff. 6-11-2014)
- B. **Time Period For Considering Violations:** For purposes of this section, only violations within three (3) years of the last offense shall be considered. (Ord. 0-1-07, 1-9-2007, elf. 3-1-2007)