

ORDINANCE 2018-6
AMENDMENT TO LEWISVILLE CITY CODE
TITLE 5 CHAPTER 3

AN AMENDMENT TO THE CITY CODE OF LEWISVILLE, IDAHO, A POLITICAL SUBDIVISION OF THE STATE OF IDAHO, TITLE 5 CHAPTER 3 , PROVIDING FOR DOG LICENSING, NON-COMMERCIAL KENNEL LICENSING AND COMMERCIAL KENNEL LICENSING WITHIN THE CITY OF LEWISVILLE.

WHEREAS, the City of Lewisville Code Title 5 Chapter 3 provides the procedure to obtain dog licensing and kennel licensing within the City of Lewisville, and

WHEREAS, following the prescribed procedure dog licenses and kennels licenses have been approved within the City, and

WHEREAS, the City Administrators have received many verbal and written complaints about the noise and smell produced by one of the kennels within the City, and

WHEREAS, there is no distinction in the Lewisville Code between commercial and non-commercial kennels, and

WHEREAS, it is the best interest of the citizens of the City of Lewisville to modify the Lewisville Code to provide more distinctive guidelines for commercial and non-commercial kennels licenses.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF LEWISVILLE, IDAHO:

That Title 5 Chapter 3 Subsection 2 be modified by adding the definitions of a kennel licenses as follows:

NONCOMMERCIAL 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.

That Title 5 Chapter 3 Subsection 3 be modified as follows:

5-3-3:

- A. License Required: It shall be unlawful to keep any dog over the age of ~~three (3)~~ 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 ~~three (3)~~ 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.

5-3-3D:

- 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 citing the owner's name, and the number of the licenses, 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 ~~of five dollars (\$5.00)~~ set forth in the current City of Lewisville Fee Schedule for the current year for each tag.

That Title 5 Chapter 3 Subsection 4 addressing kennel licenses shall be amended and shall read as follows:

5-3-4: ~~KENNEL LICENSE:~~

~~A. License Required: It shall be unlawful to keep upon the premises of any one property more than three (3) dogs.~~

~~B. Consent of Neighboring Property Owners:~~

- ~~1. The application for a kennel license shall be 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.~~
- ~~2. If the 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 the objections. After such meeting, the city council will vote whether to approve the application or not. 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.~~

~~C. — Deposit: The application for a kennel license shall be accompanied by a deposit fee of one dollar (\$1.00) for each dog, which deposit shall be returned to the applicant if the license is not issued.~~

~~D. — License Nontransferable: Kennel licenses shall not be transferrable. The license is only valid for the original name and property listed on the application and for the number of dogs stated on the original application.~~

~~E. — 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) documented infractions on file during a one calendar year period.~~

~~F. — Additional Dogs: Whenever additions are made to the number of dogs which are over the age of three (3) months, for which a kennel license has been issued, the licensee shall, within three (3) days report to the city clerk-treasurer and pay the fee as set forth herein.~~

~~G. — Individual Dog Licenses: The issuance of a kennel license shall not eliminate the necessity of obtaining an individual dog license. (Ord. O 1 07, 1 9 2007, eff. 3 1 2007)~~

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)

ENACTED by the Lewisville City Council and approved by the Mayor this 11th day of July, 2018.

Date: _____

George A. Judd, Mayor
City of Lewisville

ATTEST:

Donetta R. Fife, Clerk/Treasurer
City of Lewisville

PUBLISHED or mailed on the 11th day of July, 2018.