

TITLE 4 – PUBLIC SAFETY

CHAPTER 4 – ANIMAL CONTROL AMENDMENT

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4, DEFINING PURPOSE, MODIFYING 4-4-6 C.1, REMOVING SECTIONS 4-4-6 C.2 AND C.6; MODIFYING 4-4-15 AND CREATING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

NOW THEREFORE, be it ordained by the Mayor and the City Council of the City of Star in Ada and Canyon Counties within the State of Idaho as follows:

SECTION 1 – Defining Purpose: The purpose of this amendment is to streamline the process for Dog Licenses issued for the City of Star Dog Owners.

SECTION 2 – amending Title 4, Chapter 4.

4-4-6 Section C.1. shall read:

All dog licenses shall be valid until **the last day of the month of the original licensing month** of each **the following** calendar year. The owner or person having charge of any dog within the city shall make application at council designated locations and pay a license fee according to the schedule of fees adopted by resolution of the city council.

4-4-6 Section C.2. shall be removed:

~~After July 1 of each calendar year, the license fee shall be one half (1/2) of the regular license fee and effective until December 31 of that year.~~

4-4-6 Section C.6 shall be removed:

~~Dog licenses may be purchased starting December 1 of each calendar year.~~

4-4-15 Shall be modified and read as follows:

~~A. Prohibition: It shall be unlawful for any person to fail to exercise proper care and control of his animal that frequently, excessively, or untimely barks, yelps, howls, whines, cries or makes other noises that are audible off the owner's property. Any violation of this section is punishable as defined by resolution of the city council.~~

A. Prohibition: It shall be unlawful for any person to fail to exercise proper care and control of his animal that barks, yelps, howls, whines, cries or makes other noises that are audible off the owner's property for an extended period of time. Any person who shall violate any of the terms or provisions of this chapter, except as described elsewhere in this ordinance, shall be guilty of an infraction and shall be punishable by a fine of one hundred dollars (\$100.00), excluding court costs and fees. There is no right to a trial by jury of a citation or complaint for an infraction, and such trials shall be held before the court without a jury. Any person who shall be found guilty of a second or subsequent violation of any provisions of this chapter within a five (5) year time period, or as described elsewhere in this ordinance, shall be guilty of a misdemeanor and shall be punishable by a fine not to exceed three hundred dollars (\$300.00) and/or jail for a period not to exceed one hundred eighty (180) days or both such fine and jail. For purposes of this section "extended period of time" means either:

TITLE 4 – PUBLIC SAFETY

CHAPTER 4 – ANIMAL CONTROL AMENDMENT

1. Any barking, baying, crying, howling, or other animal noise emitted by one or more animals incessantly for thirty (30) minutes with individual interruptions of less than twenty (20) seconds at a time during the thirty (30) minute period; or
2. Any barking, baying, crying, howling or other animal noise emitted by one or more animals intermittently for sixty (60) minutes or more within a twenty-four (24) hour period.

E. Proof of Habitual Barking or Noise Making: The owner or custodian of an animal may be charged with excessive animal noise nuisance when:

1. An officer receives signed complaints alleging an animal noise nuisance, from at least two (20) unrelated adult witnesses residing in different residences; or
2. An officer receives a signed complaint alleging an animal noise nuisance from one adult witness who has a video or audio recording of the alleged violation; or
3. An officer receives a signed complaint alleging an animal noise nuisance from one adult witness and an officer has witnessed the alleged presence of the nuisance.

SECTION 3 – SEVERABILITY CLAUSE Should any part or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance in whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4 – EFFECTIVE DATE This ordinance shall be in full force and effective from the date of passage, publication and signature of the Mayor according to law.

Passed and adopted by the City of Star Mayor and City Council _____

Trevor A Chadwick, Mayor

ATTEST _____

Jacob M Qualls, City Clerk - Treasurer