



**NOTICE OF PUBLIC MEETING**  
Monday, July 11, 2016  
CITY COUNCIL CHAMBERS  
680 Park Avenue  
Idaho Falls, ID 83402  
3:00 p.m.

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*The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will make an effort to accommodate your needs.*

**SPECIAL MEETING (Council Work Session)**

Call to Order and Roll Call

Mayor and Council:

- Mayor's Report and Action Items (5)
- Acceptance and/or Receipt of Minutes
- Announcements and Calendar Items (5)
- City Council Reports (5)

Councilmember Ed Marohn:

- Mutual Aid Agreement (10)

Police Department:

- Dog Ordinance Discussion (20)

Municipal Services:

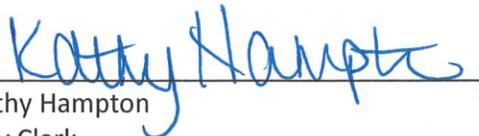
- Presentation of City Hall ADA Parking and Building Access (20)

**EXECUTIVE SESSION**

The Executive Session will be held immediately following the conclusion of the agenda items listed above. The Executive Session has been called pursuant to the provisions of:

Idaho Code Section 74-206(1)(c) To acquire an interest in real property which is not owned by a public agency.

DATED this 8<sup>TH</sup> day of July, 2016

  
Kathy Hampton  
City Clerk

## **IFFD CRC MEETING MONDAY, May 16, 2016**

The May 16, 2016 Idaho Falls Fire Department (IFFD) Citizen Review Committee (CRC) meeting was called to order at 6:30 PM by Chairman, Julie Foster. CRC members in attendance were Stephanie Willoughby, Nancy M. Carlson, Kathy A. Nave, and Ronald Tallman. Two CRC members were absent - David Haderlie and Steven Besse. A quorum, defined as 50% plus one (1) of the committee members, was established. Also in attendance for the Operations discussion led by Operations Deputy Chief, Dave Coffey, were IFFD Chief, Dave Hanneman; Training Chief, Jeff Parsons; A-Shift Battalion Chief, Lance Johnson; B-Shift Battalion Chief, Cody Anderson, and C-Shift Battalion Chief, Paul Radford. Nancy Carlson took meeting minutes.

Chairman Foster asked if there were any additions or corrections to the May 2, 2016 meeting minutes. CRC members had no corrections and the minutes were approved as distributed.

Operations Deputy Chief Coffey introduced Battalion Chiefs Lance Johnson, Cody Anderson, and Paul Radford. The Battalion Chiefs are exempt employees but they work the same hours – 48 hours on and 96 hours off – as the respective shift personnel they supervise. Chief Coffey reminded us of the two major functions of Fire Fighting – Suppression and Prevention. Operations handle the Suppression element. He explained that when managing entities the span of control should be between three (3) and seven (7) with the optimum being five (5) entities. IFFD Operations span of control falls within the optimum range. IFFD is composed of 115 Operations personnel and eight (8) Support and Administration personnel. Daily IFFD Operations are overseen by a Battalion Chief who handles five (5) Fire Stations, five Engine Companies, six Ambulances – includes Station 9 ambulance; and one Aircraft Rescue and Fire Fighting (ARFF) engine.

Deputy Chief Coffey provided some updates and issues of which we should be aware.

- He stated the proposed 2017 Idaho Falls Airport budget provides an additional \$100K to increase the current ARFF coverage from (approximately) 5 AM to 11 PM coverage to 24/7/365 ARFF coverage.
- He reminded us that Station 9 in Swan Valley provides only EMS response in Bonneville Fire District #2 as District #2 handles firefighting functions. A reserve IFFD ambulance was moved to Station 9 while Bonneville County Commissioners and the State of Idaho determine if the 3-year old ambulance, previously used in the Swan Valley and paid for 100% by a state grant, should be transferred to IFFD EMS. Currently the ambulance is being held “hostage” by Bonneville Fire District #2 as the District #2 Commissioners want EMS coverage to revert to the very expensive pre-IFFD EMS coverage approach. The significance of moving one (1) reserve ambulance to Station 9 is that IFFD can, and has, run out of ambulances during periods of heavy call volume. In Idaho Falls there are now only four (4) reserve ambulances to cover our increased call volume. AND all ambulances must receive maintenance on a regular basis – so an ambulance in for maintenance is out of service – further exacerbating the chance of no reserve ambulance available to make an EMS run. To address the need for additional ambulances, IFFD is going to a six (6)-year replacement rotation with two (2) ambulance purchases underway in fiscal year (FY) 2016. These two (2) ambulances are demo vehicles; demos were purchased because the lead time on a new-build ambulance is a minimum 6-month lead time from order to delivery. The demo ambulances will arrive before the end of FY 2016. In addition to the two new ambulances, in FY 2017 two (2) current IFFD ambulances will be refurbished with remounts to update medical equipment, lifts, etc.
- He explained that Station 3 was moved to its current location, adjacent to the airport, by direction of the Federal Aviation Administration (FAA). The former Station 3 is now the Emergency Dispatch Center.

Chief Hanneman provided an update the city's Insurance Services Office (ISO) rating. He met with an Idaho Survey and Rating Bureau official, Doug Young, to determine if sufficient IFFD changes have been made since Idaho Falls' last ISO rating in 2011 to request an updated review in advance of the normal seven (7)-cycle due in 2018. The significant staffing increases in IFFD represented-employees as well as consideration of fully staffing Ladder 1 are under review. An upgraded ISO rating from the current level three (3) to a two (2) would result in some decrease in resident fire insurance, but would made significant decrease in business fire insurance and in turn be a great selling point for businesses to locate in Idaho Falls. Chief Hanneman should have more to share by the time of our next CRC meeting – June 6, 2016.

Chief Coffey covered the IFFD Fire Fighting equipment as well as staff vehicles. In regards to staff vehicle, Battalion Chiefs share a pickup truck; the goal is to replace that truck with a “Suburban” type vehicle. There are no “extra” staff vehicles so if a staff member must travel out of town, then vehicles must be juggled. He then reviewed the inventory of IFFD firefighting and specialized equipment including Fire Rescue (can function as an Engine), Air Rescue and Fire Fighting (ARFF) engines, Tenders, District Brush Trucks Type-3 (heavy brush truck for wildland fires with significant water carrying capacity, additional

firefighting equipment, and off-road capabilities) and Type-6 (light brush truck for wildland fires with limited water carrying capacity, carries basic firefighting equipment, and has off-road capabilities), and HAZ-MAT. Chief Coffey explained that IFFD's Ladder 1 is unique as it carries water, hose, equipment, ladder, and can do aerial attack. A traditional Ladder truck carries no hose or water and must be supported by an Engine for hose, a water source, and other firefighting equipment. Nancy Carlson asked if we have ideal equipment for firefighting multi-story structures in the narrow streets and alleys of downtown Idaho Falls. The current equipment would work, but a tiller truck with a specialized turntable ladder mounted on a semi-trailer truck is preferable due to its enhanced maneuverability. The tiller truck trailer and tractor are "permanently" combined and have two drivers, with separate steering wheels for front and rear wheels.

Deputy Chief Coffey reminded us that in Idaho Falls there are no current standards for dispatch, fire, or EMS response times. IFFD is moving to be in compliance with **NFPA 1710: Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Department (2010 Edition)**. In a fire response the IFFD goal is to limit the fire to the location of origin. To achieve this goal the following unique response timeline is called out in NFPA 1710:

<b>FIRE RESPONSE - Per NFPA 1710 time in which step must be completed*</b> *Assumption - full alarm fire at a typical 2,000 ft <sup>2</sup> 2-story single-family home with no basement and with no exposures	<b>Actions involved in step*</b> *% in parenthesis is frequency of achieving this response time
240 seconds = 2 minutes	Includes the time from fire initiation until citizen's 911 call reaches Emergency Dispatch (EMD), EMD processes call, and alarm sent to responding station(s) delivered via Computer Automated Dispatch (CAD) – once call reaches EDM it is answered within 15 seconds (95%) and no more than 40 seconds (99%); and call processed within 60 seconds (90%) and no more than 90 seconds (99%)
80 seconds turnout = 1 minute 20 seconds	In full turnouts for fire and special operations responses with air pack donned in route
240 seconds = 4 minutes	Maximum travel time for first responding unit to arrive on-scene
480 seconds = 8 minutes (90%)	Maximum time for all responding units to arrive on-scene

At the end of 660 seconds (11 minutes 20 seconds) an effective fire response, manned by fourteen (14) responders, is in progress. The responsibilities of the responders are as follows:

<b>Action(s)</b>	<b>Minimum # of responders assigned this action</b>
Establish incident command in safe location	1
Establish uninterrupted water supply of 400 gpm for 30 minutes	1
Establish effective water flow application rate of 300 gpm from two handlines	4 (minimum of 2 responders on each handline)
Provision support person per handline to provide hydrant hookup and assist with laying hose lines, utility control, and forcible entry	2 (1 support person per handline)
Provision at least one victim search and rescue (SAR) team	2 (minimum of two responder).
Provision at least 1 team to raise ground ladders and perform ventilation	2
Establish an Initial Rapid Intervention Crew (IRIC) to assist rescue lost or trapped responders	2 (minimum of two responders) <b>BUT 4</b> is preferred for a Rapid Intervention Team (RIT) thus have 2-man SAR team in the structure with a 2-man SAR team outside the structure ready to rescue lost or trapped SAR team members in the building.
<b>Total minimum # of responders</b>	<b>14</b>

Emergency Services (EMS) respond times were also addressed:

EMS - Per NFPA 1710 time in which step must be completed	Actions involved in step
240 seconds = 2 minutes	Time of EMS incident initiation until citizen's 911 call reaches Emergency Dispatch (EMD), EMD processes call, and alarm sent to responding station(s) delivered via Computer Automated Dispatch (CAD) – once call reaches EDM it is answered within 15 seconds (95%) and no more than 40 seconds (99%); and call processed within 60 seconds (90%) and no more than 90 seconds (99%)
60 seconds turnout = 1 minute	For EMS response
240 seconds = 4 minutes (90%)	Maximum time for Basic Life Support (BLS) first responder with Automated external defibrillator (AED) on scene
480 seconds = 8 minutes (90%)	For Advanced Life Support (ALS) capable team member on scene

CRC members were briefed on IFFD Special Teams by Battalion Chief who has responsibility for conducting Special Team training. The goal of this training is to have all IFFD Fire Fighters trained to the operator level so they can provide support for the IFFD technicians in the following disciplines:

- Swift Water/Ice Rescue – IFFD technicians handle “above” water/ice rescues while the Bonneville County Sheriff Department is responsible for dive team activities.
- Regional Response Haz-Mat Team – other than a City of Idaho Falls Haz-Mat response this team, Regional Response Team 7 (RRT 7), is deployed by the State of Idaho Bureau of Homeland Security through the State Communications Center in Meridian, ID to Haz-Mat events in the same geographical region as District Health District 7. The Idaho Bureau of Homeland Security can deploy RRT 7 to other states through an Emergency Mutual Aid Compact. Idaho Technical Rescue 3B (ITR 3B), covers same geographic region as District Health Department regions 6 and 7. IFFD Haz-Mat technicians only mitigate Haz-Mat risks and cleanup is handled by contracted companies. Additionally, the team assists, at the operator level, the Idaho Falls Police Department (IFPD) Bomb Squad with donning and doffing bomb suits as well as EMS ambulance support.
- Technical Rescue with five (5) unique disciplines of:
  1. Structural Collapse
  2. Confined Space
  3. Trench Rescue
  4. High Angle Rescue
  5. Heavy Extrication – covers challenging extractions from semi-trucks, buses, etc.

During Battalion Chief Radford’s discussion several issues were discussed. 1) The concern over the high number of false alarm calls (88 in first quarter of 2016 resulting in engine responses) and the associated costs for IFFD should be evaluated and fees charged to when a business continues to trigger alarms after a warning and education of needed “fixes” to stop false alarms. 2) FFD personnel who are at the technical level in the special team skills receive a pay “boost” of \$25.00/month. The boost seems too small for the skills required and the potential risks associated with performing these types of rescues. 3) Haz-Mat training funds have “dried up” so it is very challenging to keep folks trained to the technician level.

Chief Hanneman reminded us that IFFD is responsible for firefighting in the city of Idaho Falls as well as Bonneville County Fire District #1 which covers 350 square miles and a population of approximately 87,000 people. IFFD protects the fifth largest population in Idaho and the second largest geographical area.

Following the Operations presentation, the CRC members established our hands-on “training” in CPR, Extraction, Rescue in air pack, and Fire suppression would be on Saturday, June 11, 2016. Deputy Chief Coffey stated we need to be fitted for air packs in advance of June 11<sup>th</sup>. The fitting schedule will be established at next meeting. As Memorial Day falls on May 30<sup>th</sup>, Chairman Foster established our next meeting will be held in the City Hall conference room on June 6, 2016 from 6:30 - 8:30 PM. The presentation will focus on Administration and ISO.

The May 16, 2016 meeting adjourned at 8:35 PM.

Minutes prepared by IFFD CRC acting Secretary, Nancy M. Carlson.

Meeting Minutes  
Citizen Review Committee  
Idaho Falls Fire Department Review  
Monday, June 13th 6:30 – 8:00 p.m.  
308 Constitution Way (City Hall), Idaho Falls, ID

**Attendees:**

Dave Hanneman  
Kathy Nave  
Ron Tallman  
Stephanie Willoughby  
Steve Besse  
David Haderlie  
Julie Foster

**IFFD Strategic Plan Review**

This is the first strategic plan to be drafted for the IFFD, and it was included in the current FY budget to have the consultant help facilitate the development of the plan. The project to create the plan started 3 months ago. Currently, it is being communicated to each of the 18 fire department crews for their review and feedback.

A tactical workshop was held in which each of the 14 goals was discussed and a strategy for how to implement the plan including a schedule was discussed. Participants in the workshop included battalion chiefs, union leads, and administration. They also worked to create and define values for the department. It was discussed that since 1995 all facilities and equipment have remained the same, but calls have greatly increased, which shows the need to be proactive about these issues.

The SWOT Analysis was also reviewed (Strengths, Weaknesses Opportunities and Threats are defined and then objectives and goals are created).

Idaho Falls is equipped with the largest fire department in the state that provides EMS, and is the 2<sup>nd</sup> largest fire department in the state, next to Boise.

Weaknesses of the IFFD are described as having had tunnel vision due to all being local and lack of perspective, working under the mindset of "it works don't fix it." Within the department there were communication issues due to remote locations and separate stations. To improve communication there will be regular staff meetings, and the Chief will go out to visit crews every Thursday.

In addition, there will be a new program starting this fall with ISU for the paramedic program training (regional training leadership, regional training facility).

The IFFD desires to start leading the other fire departments in the state, for which the Chief is on the board. The Idaho Falls department has worked with the Bonneville County Fire District, but the relationship is instable (one-year agreement for the last 4 years), but trust is being built. When the 10-year agreement was in place previously, it included 3% escalation every year and thus was not executable. The department would like to move into the station on 65<sup>th</sup> South, which leaves 2 brand new county stations empty.

The department also needs to establish a truck company – the current “ladder truck” is an engine/truck. Establishing a truck company is quite expensive as it costs \$1.0M for the truck and would take operating expenses to include 4 people per shift at about \$1.4M per year. If a city has 5 or more 3-story buildings, it should have a staffed ladder truck. Currently the department is making due without it, but if a developer builds a high rise the city could require the developer to purchase the ladder truck.

IFFD would like to have more involvement in wild land fire support, as there is opportunity to provide EMS services.

IFFD’s EMS services are dependent on the county’s need (and elected county commissioners), which puts funding at risk.

Other goals outlined in the plan include fostering the department’s public reputation continuously, establishing and maintaining good support with current elected officials, and maintaining high department standards and preventing dilution of focus (specifically, not losing the core services (EMS) as the department grows, and establishing regional training while keeping a priority on internal training).

Chief Hanneman noted that the goals outlined in the plan are not in chronological order yet – when the goals are finalized, the schedule for execution of the plan will be defined.

One goal is to pursue and achieve accreditation for the Department. Part of attaining this will be both mandatory training development, and a new updated computer aided dispatch system (currently being developed) to meet industry best practices.

Another major goal is to create and implement a fire facility master plan to accommodate growth and change for the next 20 years.

Other goals include establishing a vibrant career development program and to prepare the Department for the various aspects of a diverse workforce.

Next meeting is scheduled for June 27<sup>th</sup>, 2016.



## MEMORANDUM

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**TO:** Rebecca Casper, Mayor  
**FROM:** Mark McBride, Chief of Police  
**DATE:** July 7, 2016  
**RE:** Council Work Session Agenda Item / Discussion Dog Control Ordinance 5-6-1 and 5-6-7.

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The Police Department respectfully requests that the Dog Control Ordinance 5-6-1 and 5-6-7 be placed on the 11 July 2016, City Council Work session Agenda for discussion.

Dog Control Ordinance 5-6-1 and 5-6-7 has references to Kennels as a PLACE; which is in conflict with current Zoning Ordinances. Zoning Ordinances define kennels as a USE, but doesn't list any Zones where a kennel is allowed.

**WORK SESSION PURPOSE:** to brief Council Members on the Dog Ordinance and discuss proposed changes.

- 1) Delete all references to Kennels in the Dog Ordinance
  - a) This would require Council to consider whether they would limit the number of dogs allowed upon any one premise or;
  - b) Require a multi-dog permit
- 2) Delete the requirement for staff to poll neighbors and receive a 75% approval allowing for a multi-dog permit

Approximate discussion time – 20 minutes.

**COUNCIL AGENDA ACTION:** For Council to make recommendation so that legal staff can then draft an ordinance change for final consideration and approval at the next Council Meeting.

McBride-021.2016 MEMO Work Session Dog Control

## CHAPTER 6 DOG CONTROL

### SECTION:

- 5-6-1: Definitions
- 5-6-2: License Required
- 5-6-3: License Fees
- 5-6-4: Tags to be Placed on Collar
- 5-6-5: Record of License
- 5-6-6: Impounding of Dogs
- 5-6-7: Ownership of Dogs Limited
- 5-6-8: Rabies
- 5-6-9: Unlawful Disposal of Rabid Dog
- 5-6-10: Control of Dogs
- 5-6-11: Control of Cats
- 5-6-12: Unlawful Interference
- 5-6-13: At Risk Dogs
- 5-6-14: Dangerous Dogs
- 5-6-15: Impound and Boarding Fees
- 5-6-16: Dog Defecation to be Removed by Dog Owner

### 5-6-1: DEFINITIONS:

Certain terms used in this Chapter shall have the meaning ascribed below:

- A. **ANIMAL CONTROL SHELTER:** Any animal shelter, lot, premises or building maintained by the City for the confinement and care of animals.
- B. **AT LARGE:** A dog shall be deemed to be at large when off the property of the owner, and not under restraint or control.
- C. **DOG:** A dog of an age four (4) months or older that is kept as a household pet.
- D. **DOG KENNEL:** Any place where more than two (2) dogs are kept.
- E. **ENCLOSURE:** A fence or structure suitable to prevent escape of the animal or the entry of young children.
- F. **NEUTERED:** Rendered permanently incapable of reproduction.
- G. **NUISANCE ANIMAL:** A nuisance animal, including a dog or cat, is one that:
  - 1. Frequently runs at large;
  - 2. Damages, soils, or defecates on private property other than property owned or controlled by the animal owner or on public property, including walks and

recreation areas, unless such waste is immediately removed and properly disposed of by the animal owner or handler;

3. Causes unsanitary or dangerous conditions;
4. Causes a disturbance by excessive barking or other noise making
5. Creates a general public nuisance; and/or
6. Chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

H. OWNER: A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied, owned, or controlled by that person.

I. PERSON: Any individual, corporation, partnership, organization or institution commonly recognized by law as a unit.

J. RESTRAINT: A dog shall be considered under restraint if it is confined within a structure or fenced yard, is secured by a leash, lead or chain or is confined within a vehicle in a manner that prevents escape.

K. UNLICENSED DOG: A dog for which a license has not been issued for the current year, or to which the tag provided for in this Chapter is not attached.

L. VACCINATION: The inoculation of an animal against rabies in accordance with state law and the "Compendium of Animal Rabies Prevention and Control" published by the National Association of the State Public Health Veterinarians and published annually in the Journal of the American Veterinary Medical Association.

#### 5-6-2 LICENSE REQUIRED.

(A) It shall be unlawful for any person to keep or harbor any dog within the City without paying a license fee as herein provided. Dogs kept in a commercial dog kennel need not be individually licensed, but must be restricted to the premises or kept within a cage or enclosure at all times. This Section shall not apply to any person owning or possessing a dog currently licensed and bearing the license issued by another licensing authority, nor shall it apply to any dog which has strayed into the City but is duly licensed by, and wearing the tag of, another licensing authority.

(B) All dogs over the age of four (4) months must be vaccinated for rabies, and a copy of the vaccination certificate must be present with the license application.

(C) Licensing of cats is voluntary. All cats over the age of four (4) months must be vaccinated for rabies, and a copy of the vaccination certificate must be presented with the license application.

#### 5-6-3 LICENSE FEES.

(A) Each license for a cat or dog shall be issued for a term of three (3) years. It shall expire on December 31st of the 3rd year following issuance of the license. The triennial fee for licensing all unneutered dogs or cats, and the triennial fee for the licensing of all neutered dogs shall be in an amount set from time to time by Resolution of the Council, respectively. Each license shall be valid only for the dog for which it was issued and shall not be transferred or used for any other dog. Upon payment of such fee, the Clerk or other authorized representative shall issue a license and a metal tag bearing the year of expiration and a number corresponding to the number on the license. The license shall state the date of issuance, the date of expiration, the amount paid, the name and address of the person to whom issued and the breed and sex of the dog.

(B) License fees shall be waived for:

1. Any neutered dog used primarily as a service animal when the owner or keeper establishes the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 *et seq.*
2. Any neutered dog in training as a service animal when the owner or keeper establishes the service animal's function as an assistance animal under the Americans with Disabilities Act, 42 USC 12101 *et seq.*
3. Any neutered dog used by a public agency or a private organization under contract to a public agency as a police dog, tracking dog, search and rescue dog, arson or drug sniffing dog, or for any other job that furthers in the mission of the agency to protect and serve the public interest. (Ord. 2964, 8-14-14)

#### 5-6-4 TAGS TO BE PLACED ON COLLAR.

It shall be unlawful for any person to own or keep a licensed dog within the City which does not have a tag affixed to its neck. If the metal tag is lost, a duplicate tag may be obtained from the Clerk, or other authorized representative, upon payment in an amount set from time to time by Resolution of Council. (Ord. 2964, 8-14-14)

#### 5-6-5 RECORD OF LICENSE.

The Clerk shall keep a record of the licenses issued under this Chapter, and shall record all of the facts required to be stated in the license. Duplicate records of licenses issued shall be maintained by the Animal Services Manager at the Animal Control Shelter.

#### 5-6-6: IMPOUNDING OF DOGS:

Any nuisance animal may be impounded in the Animal Control Shelter. All dogs found at large are declared to be public nuisances and all City police or animal control officers shall impound them in the Animal Control Shelter. The impoundment, redemption, sale or other disposal of impounded dogs shall be as follows:

- (A) Impoundment of Unlicensed Dogs. All impounded dogs not licensed or not

identified by tag or microchip shall be retained in the Animal Control Shelter for a minimum of three (3) business days. At any time during this period, the owner or keeper of such dog may redeem it by procuring a license, a microchip and by paying an impound fee plus a boarding fee as set forth in this Chapter.

(B) Impoundment of Licensed Dogs. All impounded dogs which are licensed or otherwise identified with a tag or microchip or whose owner is known shall be retained in the Animal Control Shelter for a minimum period of five (5) days after the owner is notified of the impoundment. As soon as reasonably possible following impoundment of such dog, the Animal Services Manager shall give notice of the impoundment to the owner of the dog, either in writing, by telephone or by personal notification. The Animal Services Manager shall keep a record of the date, time and manner of giving notice, with respect to each impounded dog. At any time during the said five (5) day period the owner may redeem the dog by procuring a microchip and paying an impound fee plus a boarding fee as set forth in this Chapter. The five (5) day period shall commence to run at noon on the day following the date notice is given.

(C) Spaying and Neutering. Any dog adopted from the Animal Control Shelter shall be spayed or neutered by a licensed veterinarian either prior to adoption, or within thirty (30) days of adoption, or as soon after the dog is old enough to be spayed or neutered. If the dog is not already spayed or neutered, the adopter shall agree to provide evidence of spaying or neutering to the Animal Control Shelter within thirty (30) days. For dogs determined by a licensed veterinarian to be too young to be spayed or neutered within thirty (30) days of adoption, proof of spaying or neutering shall be provided by the dog's owner within thirty (30) days of the age the dog became eligible for spaying or neutering, which date shall be designated on the adoption paperwork.

(D) An unneutered dog that has been impounded at the Animal Control Shelter on two (2) previous occasions during the previous one (1) year period shall be required to be spayed or neutered prior to the owner redeeming the animal. The impound, and boarding fees, shall be applied toward the cost of the spay or neuter.

(E) Unclaimed Dogs. The ownership of any dog not redeemed within the periods of time herein stated shall be forfeited and the dog may be sold thereafter by the Animal Services Manager to any person.

(F) No dog shall be released from the Animal Control Shelter unless the dog is licensed and microchipped under this Chapter and wearing a tag.

(G) Disposal of Dogs: If any dog is not redeemed or sold, the dog may be humanely destroyed and the carcass disposed of in any lawful manner. (Ord. No. 2961, June 26, 2014).

#### 5-6-7: OWNERSHIP OF DOGS LIMITED.

(A) 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 two (2) dogs unless the owner or person in charge thereof has a commercial or noncommercial kennel license, or where accommodation or variation from these requirements is appropriate under current state or federal law or where allowed by the Zoning Code or by this sub-Chapter.

(B) Noncommercial License: Applications for noncommercial kennel licenses shall be made to the Clerk. Such license shall not be issued unless at least seventy five percent (75%) of all the owners or persons in possession of premises located within one hundred feet (100') of the premises upon which said noncommercial kennel is to be maintained, have consented to the operation of such noncommercial kennel. Upon receipt of such application, the City Clerk shall request Animal Services to poll such owners to determine if they are willing to consent to the issuance of a noncommercial kennel license to the applicant. For the purposes of determining such percentage, persons having joint ownership or control of such premises shall be considered as one person. The applicant shall also pay an annual license fee an amount set from time to time by Resolution of the Council, which fee shall be returned to the applicant if the license is not issued. The applicant shall allow an annual inspection of the kennel by Animal Services personnel and any inspections that may be warranted in response to complaints or violations of this Chapter supported by probable cause. The application shall state the name and address of the owner, the location of the non-commercial kennel, the number of dogs presently kept and the breed(s) of the dogs. Dogs kept in a noncommercial kennel shall be owned only by members of the immediate household and a separate dog license shall be purchased for each dog. A noncommercial kennel license shall not be transferable and shall expire on December 31st of the year of issuance. Upon renewal of a noncommercial kennel license, a re-polling of neighboring owners shall not be required, unless within one (1) year prior to the expiration of such license, one or more complaints have been filed in writing with the Police Department or Animal Services regarding the applicant's maintenance of such kennel. In such event, no license shall be issued until Animal Services has conducted a new poll and the required consents have been obtained. No person holding a noncommercial kennel license shall keep any dog for breeding purposes or for the purpose of raising such dog for commercial sale. All dogs, except registered purebred dogs, kept pursuant to a noncommercial kennel license shall be sterilized within twelve (12) weeks after their date of birth. No license shall be issued unless the applicant i) provides written certification by a licensed veterinarian that all licensed animals, other than purebred animals, have been sterilized or the applicant provides a certificate from an Animal Control officer that he or she has inspected each animal and verified such sterilization, and ii) the applicant provides proof of registration by a recognized kennel club for each unsterilized purebred dog kept on the premises. In no event may the licensee or applicant keep more than one breed of unsterilized purebred dogs on the premises. A maximum of five (5) dogs may be kept upon the premises owned by a person holding a noncommercial kennel license.

(C) Commercial Kennel License: A commercial kennel is a kennel where the owner or a keeper of dogs sells, boards, breeds, trains, treats or handles dogs for consideration, provided however any clinic or place owned or operated by a veterinarian licensed under state law shall not be considered a commercial kennel. Applications for a commercial kennel license shall be made to the City Clerk. The applicant shall also agree to an annual inspection of the kennel by Animal Services personnel and to inspections that may be warranted in response to complaints.

The application must state the zone in which the kennel will be maintained and must be accompanied by a license fee in an amount set from time to time by Resolution of the Council, which fee shall be returned to the applicant if a license is not issued. No license may be issued unless at least seventy-five percent (75%) of all property owners within one hundred feet (100') of the property upon which the kennel will be operated and have consented to the issuance of such license. Upon receipt of such application, the City Clerk shall request Animal Services to poll such owners to see if they are willing to consent to such commercial kennel. Licenses shall not be transferrable to any person or location not stated in the application. All licenses shall expire on December 31st of the year it was issued. A commercial kennel license shall not be issued for any premises where such use is not permitted under the City Zoning Ordinance. Upon renewal of a non-commercial kennel license, a re-polling of neighboring owners shall not be required, unless within one (1) year prior to the expiration of such license one or more complaints have been filed in writing with the Police Department or Animal Services regarding the applicant's maintenance of such kennel. In such event, no license shall be issued until Animal Services has conducted a new poll and the required consents have been obtained. The limit on the number of dogs shall be pursuant to State code or State regulations.

(D) Re-Application Limited: No application for a commercial or non-commercial kennel license shall be accepted or processed if an application for the same type of license to operate upon the same property has been denied or withdrawn within one year previous to the date of such application. (Ord. 2964, 8-14-14)

5-6-8 RABIES.

(A) Rabies Vaccination. It shall be unlawful for the owner of any dog or cat to not have a current rabies vaccination. Vaccinations must begin when the animal has reached the age of four (4) months. Every owner must, upon request of a City Police or Animal Services Officer produce proof of such vaccination(s).

(B) Suspected Rabies – Quarantine Procedures. Any owner of any animal which shows symptoms of rabies, or which has bitten any person causing an abrasion to the skin, shall surrender the animal for quarantine at the Animal Services Shelter or to a licensed veterinarian for a period of ten (10) days or shall securely quarantine the animal on his/her premises for said period of time. The choice of place of quarantine shall be at the discretion of the Animal Services Manager. All costs for the quarantine shall be borne by the owner. If an owner refuses to surrender or confine the animal, Animal Services Officers are hereby authorized to seize the animal and transport it to the Animal Services Shelter or a licensed veterinarian for quarantine. City Police or Animal Services Officers are hereby authorized to immediately impound any quarantined animal found outside the quarantine area and arrange for its confinement in accordance with this section. If the animal has been quarantined by the owner, on the next working day following the ten (10) day quarantine, the owner shall take the animal to a licensed veterinarian for examination and to obtain a rabies vaccination if the owner has not provided a current valid rabies vaccination certificate. A copy of the examination results and a current certificate of rabies vaccination must be provided to Animal Services no later than the following day. If an animal quarantined at the Animal Services Shelter is determined to be free of rabies, it shall be returned to the owner upon payment of all costs for confinement,

examination and vaccination and if such fees are not paid, the animal may be disposed of as herein provided. If the animal is determined to be rabid, it shall be humanely destroyed and the owner shall be responsible to pay the boarding fees as set forth in this Chapter.

5-6-9: UNLAWFUL DISPOSAL OF RABID DOG:

It shall be unlawful for any person to kill or cause to be killed any rabid dog, or dog suspected of having rabies, or any dog who has bitten or attacked a person, without having given the notice required by this Chapter, or having given such notice, to kill such dog before the expiration of the ten (10) days quarantine period.

5-6-10: CONTROL OF DOGS:

(A) It shall be unlawful for any person to harbor or keep on his or her premises, or in his or her control any dog which, by loud and prolonged barking or howling, disturbs the peace and quiet of the neighborhood, or of the occupants of adjacent premises.

(B) It shall be unlawful for any person to have or keep on his or her premises or in his or her control a nuisance animal.

(C) Any owner or keeper of a dog whose dog is determined to be at large on or in any public street, alley, sidewalk, park or place, or upon private property without the permission of the owner or occupant thereof, is guilty of a misdemeanor. Notwithstanding the foregoing, the Mayor may, upon application of any person, authorize dog shows, exhibitions and dog training courses to be held upon public property and where the dogs participating therein are controlled by competent attendants and the Council may designate public areas within the City which may be used, subject to such rules and regulations as may be prescribed, for the training or exercise of dogs. Dogs within such areas need not be controlled by leash, but shall be under the control of a responsible person and controlled by whistle, voice or other effective command. Notwithstanding the foregoing, it shall be unlawful for any person to allow a dog under leash to be in any public park or recreation area designated by the Council as a public area in which dogs are not allowed, unless the dog is a service dog or is a participant in an approved dog show, exhibition or dog training course, or is otherwise allowed by law or regulation in such an area. Such areas shall be specifically designated by resolution of the Council and a sign giving notice of such prohibition shall be posted at each vehicular entrance to such public area.

(D) It shall be unlawful for any owner or keeper of any female dog in heat to allow such dog to be at large. It shall be unlawful for the owner or keeper of such a dog to fail to confine or enclose such dog in a manner that precludes other dogs from breeding the female dog.

(E) It shall be unlawful for any person to let to the owner or keeper of a female dog any dog, except within an enclosure so arranged as to obstruct such animal completely from the view of all persons who have no proprietary interest in the breeding of such animals.

5-6-11 CONTROL OF CATS:

(A) Cat nuisances include but are not limited to excessive noise, soiling of public property and of private property not owned or rented by the pet owner, and noxious odors or unsanitary conditions caused by failure to clean the cat's resident property.

(B) Cats must be prevented from causing a nuisance by howling in a habitual, consistent, or persistent manner that repeatedly disturbs the peace of the neighborhood.

(C) Owners must take steps to prevent feces deposits by their cats on public property, public and private rights-of-way, and private property not owned or rented by the animal owner and prevent them from continually spraying or depositing urine on lawns and landscaping that causes damage to grasses, flowers, shrubs, etc.

(D) Animal Services shall investigate each complaint and issue a warning letter to the cat owner on the first offense. A citation may be issued on subsequent offenses.

(E) Impoundment of Unlicensed Cats. All impounded cats not licensed or not identified by tag or microchip, shall be retained in the Animal Services Shelter for a minimum of three (3) business days. At any time during this period, the owner or keeper of such cat may redeem it by procuring a microchip and by paying an impound fee plus a boarding fee as set forth in this Chapter. Any cat that is identified by a shelter personnel as "feral" or "wild" shall not be required to be held for the three (3) day period.

(F) Impoundment of Licensed Cats. All impounded cats which are licensed or otherwise identified with a tag or microchip or whose owner is known shall be retained in the Animal Control Shelter for a minimum period of five (5) days after the owner is notified of the impoundment. As soon as reasonably possible following impoundment of such cat, the Animal Services Manager shall give notice of the impoundment to the owner of the cat, either in writing, by telephone or by personal notification. The Animal Services Manager shall keep a record of the date, time and manner of giving notice, with respect to each impounded cat. At any time during the said five (5) day period the owner may redeem the cat by procuring a microchip and paying an impound fee plus a boarding fee as set forth in this Chapter. The five (5) day period shall commence to run at noon on the day following the date notice is given.

(G) Spaying and Neutering. Any cat adopted from the Animal Control Shelter shall be spayed or neutered by a licensed veterinarian either prior to adoption, or within thirty (30) days of adoption, or as soon after the cat is old enough to be spayed or neutered. If the cat is not already spayed or neutered, the adopter shall agree to provide evidence of spaying or neutering to the Animal Control Shelter within thirty (30) days. For cats determined by a licensed veterinarian to be too young to be spayed or neutered within thirty (30) days of adoption, proof of spaying or neutering shall be provided by the cat's owner within thirty (30) days of the age the cat became eligible for spaying or neutering, which date shall be designated on the adoption paperwork.

(H) Unclaimed Cats. The ownership of any cat not redeemed within the periods of time herein stated shall be forfeited and the cat may be sold thereafter by the Animal Services Manager to any person.

(I) No cat shall be released from the Animal Services Shelter unless the cat is microchipped under this Chapter.

(J) Disposal of Cats. If any cat is not redeemed or sold, the cat may be humanely destroyed and the carcass disposed of in any lawful manner.

5-6-12: UNLAWFUL INTERFERENCE:

It shall be unlawful for any person to hinder, or interfere with any City Police or Animal Services officer who is seizing any animal, euthanizing the same, or removing the carcass under this Chapter.

5-6-13 AT RISK DOGS.

(A) An *at risk* dog is one that:

- (1) Menaces, chases, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person.
- (2) Causes physical injury to any domestic animal while at large.
- (3) Repeatedly runs at large.

(B) Procedure for classifying a dog as *at risk*:

- (1) An Animal Services Officer shall investigate the circumstances of any complaint filed against a dog alleged to be at risk and notify the dog owner of the charge. The results of the investigation will be reported to the Animal Services Manager and to the dog owner. If the Animal Services Manager deems the dog to be at risk, the dog owner has the option of filing an appeal with the courts. The dog owner shall file such appeal with the courts within thirty (30) days from the date of the designation.
- (2) Notwithstanding the above, the Animal Services Manager or his representative shall have discretionary authority to refrain from classifying a dog as at risk (potentially dangerous), even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was:
  - (a) The result of the victim abusing or tormenting the dog;
  - (b) Was directed towards a trespasser or a person committing or attempting to commit a crime; or
  - (c) Involved other similar mitigating or extenuating circumstances.

(C) Sanctions for owning an at risk dog:

- (1) The owner must provide secure fencing to keep the dog confined on his own property. When off the owner's property, the dog must be kept on a secure leash of no more than four feet (4') in length and under control of a legally responsible person. The owner must also place photos of the dog on file with Animal Services, microchip the dog for identification and provide proof of liability insurance that covers injuries.

(D) Repeated violations of Section 5-6-13 (A)(1) or (2) will result in classifications of the dog as *dangerous*.

(E) If there have been no further incidents for a period of eighteen (18) months and the owner can provide proof of obedience training at a reputable club or business, he may appeal to Animal Services for removal of the designation.

5-6-14 DANGEROUS DOGS.

(A) A *dangerous* dog is one that:

- (1) Has previously been classified as at-risk and exhibits escalating aggressive behaviors that result in further complaint.
- (2) A dog that, without provocation, inflicts severe injury on a human being.
- (3) Menaces, maims, or kills domestic animals when off its owner's property.
- (4) Is used in the commission of a crime, including but not limited to animal fighting or guarding illegal operations.

(B) Procedure for classifying a dog as *dangerous*:

- (1) The animal control officer shall investigate the circumstances of any complaint filed against a dog alleged to be at risk and notify the dog owner of the charge. The results of the investigation will be reported to the Animal Services Manager and to the dog owner. If the Animal Services Manager deems the dog to be dangerous, the dog owner has the option of filing an appeal with the courts. Such appeal shall be within ten (10) days of the designation as a dangerous dog. Depending on the circumstances, the dog may be impounded pending disposition of the case.
- (2) Notwithstanding the above, the Animal Services Manager or his representative shall have discretionary authority to refrain from classifying a dog as dangerous, even if the dog has engaged in the specified behaviors, if it can be determined that the behavior was:

- (a) The result of the victim abusing or tormenting the dog.
- (b) Was directed towards a trespasser or a person committing or attempting to commit a crime.
- (c) Involved other similar mitigating or extenuating circumstances

(C) Sanctions for Owning a Dangerous Dog: A dangerous dog may be returned to the owner or may be destroyed depending on the outcome of the investigation. If the dog is returned to the owner, it must be microchipped, confined in a locked pen with a top when not in a home or other building, and restricted by a sturdy leash no longer than four feet long when in public. Photos of the dog must be filed with Animal Services and the owner must provide proof of at least one hundred thousand dollars (\$100,000) in liability insurance.

(D) Confinement of Dangerous Dogs: Dogs that have been classified as dangerous must be confined behind a locked fence of sufficient height and materials to securely contain the dog and prevent trespass. Confinement must be sufficient to prevent children from coming into contact with the dog. When off the owner's property, a dangerous dog must be restricted by a leash of no more than four (4) feet in length, must be under the control of a legally responsible person, and may be required to wear a muzzle.

(E) Transporting Dangerous Dogs: Dogs that have been classified as dangerous must be confined in a crate in a closed, locked vehicle to prevent opportunities for escape and in a manner sufficient to prevent children from coming into contact with the dog through an open window in a vehicle.

(F) Additional Incidents: Additional incidents sufficient to identify the dog as dangerous and will result in destruction of the dog.

(G) Penalties for Dangerous Dogs Running at Large:

- (1) If an owner is allowed to keep the dangerous dog as set forth in subsections (C), (D) and (E) above, if that dangerous dog then runs at large and repeats the behavior that earned the designation will be impounded and euthanized.
- (2) Dangerous dogs that run at large without repeating the behavior may be returned to their owners at the discretion of Animal Services after reviewing the case and inspection of the confinement facility.
- (3) It shall be unlawful for any person to fail to confine their dangerous dogs out of carelessness or neglect.

#### 5-6-15 IMPOUND AND BOARDING FEES.

(A) For the purposes of this Chapter, the impound fee and board fee shall be in an amount set from time to time by Resolution of Council.

(B) It shall be unlawful for any owner of an animal to refuse to pay the impounding or boarding fees established by Council. (Ord. 2964, 8-14-14)

5-6-16 DOG DEFECATION TO BE REMOVED BY DOG OWNER.

(A) No person owning, keeping or having in his or her immediate care or custody any dog shall knowingly fail or neglect to clean up any feces of the dog 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.

(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 dog cleaning up the feces, then subsection A of this Section will not apply to the dog owner.