

**Restraining Pets and Protecting Residents and guests of Mountainside Village and Victor Idaho: Updated regulations passed on 7/2/2015 by the MSV POA Board of Directors.**

Mountainside Village has adopted Teton County Idaho animal control ordinances with the following additions to promote the peace, safety, and well being of Mountainside Village. Regardless of enforcement by Teton County Idaho or the City of Victor Idaho, any infractions of related provisions of the Teton County code are an offense against the Mountainside Village Property Owners Association and finable by The Mountainside Village Association. For a full reading of the Teton County Animal Code, please see the official Teton County, Idaho website.

Purpose: For the safety, and welfare of the residents, animals, and visitors of Mountainside Village and to protect the properties of such persons by establishing a uniform and humane animal care and control ordinance. Animal ownership is encouraged and welcomed within this County and Mountainside Village, Inc.; however, strong emphasis is placed on responsible ownership of animals. Animal owners should respect the rights of their fellow citizens and also those of their animals. Primary responsibility is placed upon animal owners to properly care for their animal as well as train and secure their animals to prevent them from causing injuries, threatening or annoying other people or their pets, and/or creating nuisances.

AT LARGE: Any dog off or away from the premises of the owner, and not under the control of such owner or his agent either by voice control, leash, cord or chain (not to exceed 6 feet), by confinement, within a vehicle, or otherwise restrained and under the immediate control of a competent and responsible attendant.

Be considerate. Please don't let pets roam unattended and please pick up after them. Pets are not to be chained or housed in outdoor structures full-time (eg. kennel, doghouse). Pet shelters for use during daytime hours -Connie) must be screened from street i.e., they should be in back yards. No dog runs, dog chaining etc. in front yards. Please don't leave barking dogs unattended.

CONTROL/VOICE CONTROL: To direct influence over, to dominate, regulate, to hold from action, to curb, and/or to govern. A dog shall be deemed to be under control if such dog is in close proximity to its owner and providing that such dog is not engaged in an action which would be a violation of this chapter. In order for a dog to be considered under control within the requirements of this chapter, it must either be physically restrained or subject to and responsible to the verbal commands of the owner or other person asserting control of the dog. A dog is not under control, for example, if it is running at large, approaching others in a manner such that they feel threatened or annoyed, or having a dog unrestrained in the streets, within common road and lane rights of way and easements (generally within a few feet of the road is City of Victor or Mountainside Property, and not private property-please check property deeds to determine exactly this distance), along the sidewalks or the multiple common ground areas including trails, paths, pond and volleyball area, Pavilion area, or any area which is common to all residents of Mountainside Village or Teton County.

Dogs must be kept from harassing wildlife residing on Mountainside Village property and surrounding public or private lands. Any dog under only voice command or on a leash which is

found to harass wildlife, particularly the deer and elk population which uses the Mountainside Village hill and meadow ground for their winter range, shall be notified and warned of a violation. Should dog be found to harass wildlife again at anytime , the fine schedule shall be implemented. Additionally, Fish and Game shall be notified.

**VICIOUS DOG: A dog which when not provoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack or threat upon the streets, sidewalks, any public grounds or places or private property not owned or possessed by the owner of the dog; or a dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of persons or domestic animals; or any dog which bites, inflicts injury, assaults or otherwise attacks a person or domestic animal without provocation; or any dog owned or harbored primarily or in part for the purpose of fighting.**

Notwithstanding the foregoing, no domestic dogs or animals shall be within the Common Area and Private or Public Streets that are deemed by the Board to be vicious or potentially dangerous dogs. All vicious, threatening and potentially dangerous dogs must be kept indoors or in a secure (preferably fenced if lot size and lot area allows as determined by Mountainside POA Board of Directors) area within the Owner's Lot from which it cannot escape, and into which children, or other individuals or other pets cannot trespass.

#### **LICENSES**

A. Required:

1. License Required; Fee: All owners of dogs over six (6) months of age within Teton County must pay a license tax as set forth by resolution of the Teton County Board of Commissioners, and all dogs shall wear at all times in public the metal tag or disc bearing the year of issue, the name of the county, and a license number. Licenses shall be renewed on a yearly basis.

#### **4: RESTRAINT; NUISANCE**

A. Restraint

All dogs shall be restrained so as not to interfere with pedestrian traffic, any public sidewalk or entrance to any building frequented by the general public. A dog that is vicious at any time will not be considered restrained.

B. Nuisance:

1. Violation: It is unlawful for any owner of an animal to fail to exercise the reasonably necessary proper care of his/her animal in order to prevent it from disturbing the peace and quiet of persons residing in ONE or more residences in the neighborhood by allowing such animal to continue barking, howling and/or whining audible beyond the property line of the premises on which the dog is located for more than:

a. Fifteen (15) minutes with less than 1 minute intervals or thirty (30) minutes intermittently between the hours of 10:00 p.m. and 7:00 a.m. prevailing time.

b. One (1) hour sustained at any time of the day or three (3) hours intermittently for 3 consecutive days.

**2. Penalty and Enforcement for Nuisance Animal Violations:**

Should it be determined to be and currently listed as a potentially dangerous animal, or a nuisance animal as defined above, (as determined by the Mountainside Board of Directors, Mountainside POA Administrator, and/or local governmental authority), a Notice of Violation will be issued.

If the owner of the animal is not the same as the owner of the property where the offense occurred, the property owner will also be issued a notice of violation and fees via email.

If no response is received via email within a 3 day period of time, certified mail with notification and fine owed shall be sent to the property owner at the address on file. If it can be shown that there is a prowler or something taunting the animal, a notice will not be issued.

A maximum of ONE notice will be allowed in any 12 month period.

The 2nd offense shall result in a fine being issued. In addition to the fine implemented by Mountainside Village, the violation may be considered a misdemeanor by Teton County, Idaho, and enforcement may result in the removal of the animal, either by Teton County, Idaho or by a Mountainside Board of Director majority decision.

Mountainside Village, Inc., shall implement in addition to the County Schedule, the fine schedule, and penalty for non-payers as spelled out in the Rules and Regulations of Mountainside Village Property Owner's Association. The expense of such work, plus time taken by the Mountainside POA Board and Administrator to inform the owner of the offending animal, shall be billed to and paid by the owner of the property where the misdemeanor occurred, and if not paid by owner within 30 calendar days, the fines shall be assessed against the property involved .

**IMPOUNDING:**

A. Power To Impound: Any dog at large as prescribed in this document may be taken by the Teton County Sheriff's Office, the shelter master or by the animal care and control officer and impounded in an animal shelter and there confined in a humane manner.

B. All Female Dogs in Heat and Unneutered males must be contained by owners at all times.

C. Rabies Suspects: It shall be unlawful for a person to own, keep or harbor any dog afflicted with rabies. The owner of a dog showing symptoms of rabies, or of an unvaccinated dog which has been bitten any person causing an abrasion of the skin, has a duty to surrender the dog for confinement at the animal shelter, or to a licensed veterinarian, for a minimum of ten (10) days, for impoundment

**D. Vicious Dogs: It shall be unlawful for any person to own, harbor, or have in his/her possession any dog or dogs which, when unprovoked, acts in a manner consistent with the definition of a "vicious dog" as defined in Teton County, Idaho section 5-1-2 and Idaho Code. Any person who violates the provisions of this section is guilty of a misdemeanor. Such dog or dogs shall be prohibited and may be subject to impoundment pursuant to Teton County, Idaho section 5-1-5 . For a second or subsequent violation of this subsection, the court may, in the interest of public safety, order the owner to have the vicious dog destroyed or may direct the appropriate authorities to destroy the dog. See Idaho Code § 25-2805 and any other applicable codes.**