

KUNA CITY ORDINANCE NO. 2015-07

AN ORDINANCE OF THE CITY OF KUNA, IDAHO STRIKING AND AMENDING CERTAIN SECTIONS OF CHAPTER 1, TITLE 10, KUNA CITY CODE- ENTITLED POLICE REGULATIONS, AS FOLLOWS: STRIKING 10-1-1 DISTURBING THE PEACE; AMENDING AND RENUMBERING 10-1-2 BY CHANGING THE TITLE FROM WINDOW PEEPING TO INVASION OF PRIVACY AND ADDING LANGUAGE MAKING IT UNLAWFUL TO LOOK THROUGH AN OPENING TO VIEW THE INTERIOR OF A SPACE WHERE A PERSON HAS AN EXPECTATION OF PRIVACY AND MAKING IT PUNISHABLE BY A MISDEMEANOR; AMENDING AND RENUMBERING 10-1-3 ENTITLED FAILING TO DISPERSE BY MAKING SEVERAL GRAMMATICAL CORRECTIONS; STRIKING SECTION 10-1-4 AND 10-1-5; AMENDING AND RENUMBERING 10-1-6 ENTITLED PUBLIC ELIMINATION OF HUMAN WASTE AND MAKING IT PUNISHABLE BY AN INFRACTION; AMENDING AND RENUMBERING 10-1-7 ENTITLED FIGHTING BY MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-1 ENTITLED CURFEW BY CLARIFYING THAT A VIOLATION IS A MISDEMEANOR; AMENDING 10-2-2 TO RETITLE IT TO JUVENILE BEYOND THE CONTROL OF PARENTS OR GUARDIANS AND MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING AND RENUMBERING 10-2-3 ENTITLED PARENTAL RESPONSIBILITY BY MAKING SEVERAL GRAMMATICAL CHANGES AND STRIKING SEVERAL SECTIONS; AMENDING AND RENUMBERING 10-3 ET SEQ.- ENTITLED ANIMAL CONTROL AND MAKING CERTAIN SECTIONS PUNISHABLE BY AN INFRACTION AND MAKING SEVERAL GRAMMATICAL CHANGES; AMENDING 10-4 ET SEQ. – ENTITLED FALSE ALARM ORDINANCE MAKING SEVERAL GRAMMATICAL CHANGES AND MAKING A VIOLATION AN INFRACTION; AMENDING 10-5 ET SEQ. –ENTITLED DISCHARGE OF WEAPONS MAKING SEVERAL GRAMMATICAL CHANGE, REORDERING AND RENUMBERING SEVERAL PARAGRAPHS AND MAKING A VIOLATION OF SUBSECTION B AN INFRACTION; AND PROVIDING AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF KUNA, ADA COUNTY, IDAHO, as follows:

Ordinance Section 1: Chapter 1, Title 10 is hereby adopted and codified to read as follows:

**TITLE 10
POLICE REGULATIONS
CHAPTER 1**

GENERAL OFFENSES

10-1-1: INVASION OF PRIVACY:

A. It shall be unlawful for any person to linger, prowl, or wander upon the private property of another without a lawful purpose for being on the property; and while doing so peeks in a door or window or any inhabited building or structure located thereon.

B. It shall be unlawful for any person; to look through a hole or opening into, or otherwise view the interior of any area which someone is occupying with a reasonable expectation of privacy, including, without limitation, any: bedroom, bathroom, changing room, fitting room, dressing room, or tanning booth; by means of any instrumentality, including, but not limited to, a: periscope, telescope, binoculars, camera, motion picture camera, camcorder, or mobile phone; with the intent to invade the privacy of a person or persons inside.

A violation of subsection of this section shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

10-1-2: FAILING TO DISPERSE:

It shall be unlawful for any person who is part of a group of two (2) or more persons who are located on public property or private property open to public use who appear to be intoxicated, creating a disturbance, assembled for the purpose of fighting, assembled for some other unlawful purpose, to fail or refuse to disperse and immediately depart the area upon the request of any law enforcement officer.

A violation of this section shall constitute a misdemeanor and shall be punishable as provided for in 1-4-1 of the Kuna City Code.

10-1-3: PUBLIC ELIMINATION OF HUMAN WASTE:

It shall be unlawful for any person to urinate or defecate upon any public property or upon private property open to public use, or anything sitting on or affixed to such property, except within permanent or temporary toilet facilities designed to hold human waste.

A violation of this section shall constitute an infraction and shall be punishable by a fine of one hundred dollars (\$100.00).

10-1-4: FIGHTING:

A. DEFINITIONS.

"FIGHTING" means any use of physical force on the person of another, with or without consent, and done so in an angry, rude or threatening manner, or in a manner which may cause injury to another, or endanger or disturb the peace of another person.

B. No person shall intentionally, knowingly, or recklessly fight with another person in a public place.

Any peace officer empowered to enforce the provisions of the Kuna City Code is authorized to issue a uniform citation upon his/her own observations of a violation of this section and upon a reasonable belief that the person or persons cited committed the offense of fighting contrary to law, and without the necessity of a citizen complainant's signature on the citation.

A violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in 1-4-1 of the Kuna City Code.

CHAPTER 2

MINORS

10-2-1: **CURFEW:**

A. It shall be unlawful for any person under the age of eighteen (18) years to be or to remain in or upon any street, alley, public ground, public place or any place open to the public or exposed to public use within the City between the hours of 10:00 p.m. and 5:00 a.m., on Sunday through Thursday and between the hours of 11:00 p.m. and 5:00 a.m. on Friday and Saturday.

B. The provisions of this section shall not apply to any person who is accompanied by his parent, guardian or other adult person having the care and custody of him, nor to any person who is in the performance of an errand or duty directed by his parent, guardian or other adult person having the care and custody of him, nor to any person who is actually at the time engaged in legitimate employment for profit, nor to any person who is attending or participating in any officially sanctioned school activity.

C. It shall be unlawful for any person by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the purview of this section, and a violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

D. Any person under the age of eighteen (18) years who is found guilty of a violation of this section shall be subject to being charged pursuant to provisions of the Juvenile Corrections Act, or an infraction at the discretion of the investigation officer and/or the Juvenile Probation Department.

10-2-2: **JUVENILE BEYOND THE CONTROL OF PARENTS OR GUARDIANS:**

A. It shall be unlawful for any person under the age of eighteen (18) years who is residing in or located within the City limits who has run away from his parents, guardian or other legal custodian or who commits or has committed any act placing him beyond the control of his parents, guardian or other legal custodian or which constitutes behavior which would injure or endanger his health or welfare or that of others, including, without limitation, wilful association with thieves, or vicious or immoral persons, or using vile, obscene, vulgar or indecent language, or being guilty of immoral conduct in any public place or about any schoolhouse, or becoming or

attempting to become intoxicated by inhaling the fumes of gasoline, toluene or any other solvent or product containing any such solvent.

B. It shall be unlawful for any person by any act or neglect to encourage, aid or cause any person under the age of eighteen (18) years to come within the purview of this section.

A violation of this subsection shall constitute a misdemeanor and shall be punishable as provided for in section 1-4-1 of the Kuna City Code.

10-2-3: PARENTAL RESPONSIBILITY:

A. A person who is the parent, lawful guardian or other person, except a foster parent, lawfully charged with the care or custody of a child under sixteen (16) years of age commits the offense of failure to supervise a child if the child:

1. Commits an act bringing the child within the purview of the Juvenile Corrections Act, Idaho Code §20-501 et seq.; or
Fails to attend school or is not comparably instructed, as provided in Idaho Code § 33-202; or
3. Violates a curfew law of the county or City enacting the ordinance authorized under this section.

B. A person shall not be subject to prosecution under an ordinance containing the provisions of subsection A. of this section if the person:

1. Is the victim of the act bringing the child within the purview of the provisions of Idaho Code §20-501 et seq.; or
Reported the act of the child to the local law enforcement agency, the juvenile court, the department of health and welfare or other appropriate authority as provided in this section.

A person shall not be subject to prosecution under subsection A. of this section if the person shows to the satisfaction of the court the person took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

A person convicted of failure to supervise a child as provided for in this section may be ordered by the court to pay restitution to or make whole any victim who suffers an economic loss as a result of the juvenile's conduct in accordance with the standards and requirements of Idaho Code §§ 19-5304 and 19-5305.

Any offense of failing to supervise the child shall be subject to the jurisdiction of the juvenile court or to the jurisdiction of the magistrate's division of the district court.

Conviction of a person under an ordinance enacted under the authority of this section shall not preclude any other action or proceedings against the person which may be undertaken pursuant to the provisions of Idaho Code, Title 20, Chapter 5, or other provisions of law.

CHAPTER 3

ANIMAL CONTROL

10-3-1: **SHORT TITLE AND PURPOSE:**

This chapter shall be known as the Kuna City Animal Control Ordinance, and it is enacted to provide for the health, safety and welfare of the people of Kuna and the humane and safe treatment of animals, and to establish all required procedures and regulations for the licensing and control of animals and kennels.

10-3-2: **DEFINITIONS:**

ABANDON: To leave an animal unattended for more than twenty-four (24) hours without the owner making arrangements for its proper care, sustenance and shelter, or releasing the animal upon public highways or public or private property..

ANIMAL: Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as part of the animal kingdom. Animals shall be classified as follows:

Domestic Animals: Those animals commonly accepted as domesticated household pets that have traditionally, through a long association with humans, lived in a state of human dependence or traditionally have been kept as a household pet. These animals shall include dogs, cats, ferrets, caged birds, pigeons, gerbils, hamsters, guinea pigs, domesticated rabbits, chinchillas, fish, nonpoisonous, nonvenomous and nonconstricting reptiles or amphibians, and other similar animals.

Farm Animals: Those animals commonly associated with a farm or performing work in an agricultural setting. These animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including potbellied pigs), goats, llamas, alpacas, and other animals associated with a farm, ranch or stable operations.

Wild Animals: Those animals commonly considered wild or dangerous and not trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. These animals shall include:

A. Any member of the large cat family (family Felidae) including, but not limited to, cougars, bobcats, cheetahs, lynxes, lions, mountain lions, tigers and jaguars, but excluding domesticated house cats.

B. Any naturally wild member of the canine family (family Canidae) including, but not limited to, wolves, foxes and coyotes, but excluding domesticated dogs.

C. Any cross-breeds between naturally wild animals and domestic animals, such as a wolf hybrid.

D. Any member or relative of the rodent family.

E. Any skunk (whether or not descended), or raccoon, and other members of the weasel family (Mustelidae) and raccoon family (Procyonidae).

F. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.

ANIMAL CONTROL AGENCY: Any organization(s) authorized by the City Council to enforce the provisions of this chapter.

ANIMAL CONTROL OFFICER: Any individual authorized by the City Council or the animal control agency to enforce the provisions of this chapter, to include, state or local law enforcement officers whose duties include assignments that involve animal seizure and impoundment.

ANIMAL CONTROL SHELTER: An animal control facility authorized by the City Council or the animal control agency as the location for the impounding of animals.

ANIMAL KENNEL: Any person who keeps, leases, buys, barter, or sells animals for gain; provides facilities for breeding, boarding, transporting, exhibiting, grooming, including bathing or their cosmetic care; or provides guard services. Kennel operations are subject to the City's conditional use permitting processes. The animal kennel definition shall not apply to the terms animal clinic, animal shelter, impound facility, animal hospital or veterinary office, where boarding is limited to short-term care incidental to the hospital or shelter use.

AT LARGE: Off the property of the owner and not under the control of such person by either leash, cord or chain (not to exceed eight (8) feet).

ATTACK: Any aggressive action by an animal that a reasonable person would conclude places any person or domestic animal in reasonable belief of imminent and substantial bodily harm.

BARKING: A vocal sound produced by a dog that annoys or disturbs a reasonable person of normal sensitivities.

BITE OR BITTEN: When the skin of an individual has been broken or penetrated by an animal's teeth in an act of aggression, attack or defense.

CAT: Both the male and female of the Felidae species.

CURRENT VACCINATION: An animal that has received a primary rabies vaccine at least thirty (30) days ago, and no more than one (1) year ago, or has received a booster vaccine administered according to the manufacturer's written instructions. The rabies vaccine shall be licensed by the United States Department of Agriculture for use in that species (a list of the currently licensed vaccines can be found in the current "Compendium of Animal Rabies Vaccines" prepared and updated annually by the National Association of State Public Health Veterinarians). Rabies vaccination must be performed by or under the direct supervision of a veterinarian who is licensed or legally permitted to practice veterinary medicine.

DANGEROUS DOG: Any of the following:

A. Any dog that, unprovoked, has attacked or is attacking any person or domestic animal.

B. Any dog previously designated as a "potentially dangerous dog", where the owner has been notified in writing by the animal control officer of said status determination, and where the animal continues the behavior described in the definition of "potentially dangerous dog" of this section.

DOG: Both the male and female of the Canine species.

EUTHANASIA: The procedure in which an animal is humanely killed by a method that is painless to the animal, and causing unconsciousness and death. This procedure to be performed

by a certified euthanasia technician or licensed veterinarian in accordance with Idaho Code, Title 54, Chapter 21.

HARBORING: Allowing an animal to remain, or to be lodged, fed or sheltered on real property the owner occupies or controls for twenty-four (24) consecutive hours, or for one (1) or more hours per day for three (3) consecutive days.

HUMANE TRAP: A live animal box enclosure trap designed to capture and hold an animal without injury for a set period of time.

IMPOUND: To receive into the custody of the animal control shelter or an animal control authority officer.

KENNEL, COMMERCIAL: Any real property where five (5) or more dogs are maintained, harbored, possessed, trained, bred, boarded or cared for in return for compensation. This definition does not include an animal clinic, animal hospital or veterinary office where boarding is limited to short-term care incidental to the hospital use.

NONBITE EXPOSURE: Saliva from an animal who has come in contact with a person's open wound or mucus membrane that may pose health concerns.

OWN: To keep, harbor, or have control, charge or custody of an animal. Animals kept in the custody of a minor or incapacitated person shall be deemed to be owned by the minor's parent(s), guardian or other designated responsible person where the minor or incapacitated person resides.

OWNER: Any person who keeps, harbors, or has charge, custody or control of, or permits any animal to remain on their property.

PERSON: Any individual, corporation, society, copartnership, limited partnership, limited liability company, association, or any other legal or business entity.

POSTED PROPERTY: Any property that has been posted with legible sign(s) stating the restrictions, prohibitions or regulations pertaining to use of the property. "Posted property" specifically includes "Bernie Fisher" Park and other public areas that are designated from time to time by resolution of the City Council.

POTENTIALLY DANGEROUS DOG:

A. A dog, when unprovoked, who engages in an aggressive behavior requiring a defensive action by any person to prevent bodily injury, where the person is not on the real property of the owner of the dog.

B. A dog, without provocation, which has killed, inflicted injury, or otherwise caused injury by attacking a domestic animal not on the property of the owner of the dog.

PROVOKE: A person performing an act or omission that an ordinary and reasonable person would conclude is likely to precipitate dog aggression in the form of a bite or attack.

PUBLICLY OWNED PROPERTY: Property owned, leased or otherwise used by tax supported agencies. (Example: City parks, schools, Post Office)

QUARANTINE: The strict confinement of an animal in a manner which limits direct contact with other animals not in quarantine or persons other than the owner or caretaker. The quarantine shall be conducted by way of an order issued by the animal control agency designating the specific place, manner and provisions of the quarantine.

RABIES SUSPECT ANIMAL: Any animal which has bitten, scratched, or broken the skin of an individual or has been bitten, scratched or otherwise wounded or had contact with a rabid animal; or any animal showing symptoms suggestive of rabies.

SANITIZE: To make physically clean to the maximum degree that is practical.

SECURE ENCLOSURE: An enclosure that securely impounds an animal.

SERVICE ANIMAL: An animal specially trained to provide aid or assistance to a human, as defined by the Americans with Disabilities Act.

SEVERE INJURY: Any physical injury requiring medical attention.

WAIVER: A statement signed by a licensed veterinarian qualifying the medical reason that an animal should not be vaccinated for rabies.

10-3-3: **CRUELTY TO ANIMALS:**

A. *Standard of animal care:* Owners shall provide their animals the minimum standard of care set forth in this section. Every owner shall provide the animal with sufficient wholesome food, water and shelter according to the following minimum standards:

1. *Adequate food:* Animals shall be provided, at intervals not to exceed twenty-four (24) hours, a quantity of wholesome foodstuff specific to the age of the animal's species that provides an adequate level of nutrition necessary to sustain the good health of the animal.

2. *Adequate quantities of water:* Animals shall at all times have access to a supply of clean and fresh water. The owner shall replenish the water supply a minimum of every twenty-four (24) hours.

3. *Sanitary animal keeping:* Owners shall keep their animals in a clean, sanitary and healthy manner and not confine them in a manner where they are forced to stand, sit or lie in their own excrement.

4. *Shelter:* Every owner shall provide their domestic animals with a shelter structure possessing walls, roof, raised floor, and a door intended to shield the animals from wind and rain. A structure that is ventilated and provides protection from excessive heat and cold. A structure commensurate to the size of the inhabiting animal to permit it to move about freely.

5. *Tethering:* An owner shall not tether a dog or other domestic animal through use of a choke collar or tether or confine an animal in such manner that it can become entangled to the extent it cannot move freely, or reach shelter or water, or becomes entangled with another animal. The area where the animal is tethered or confined must be free of extraneous material that may cause it injury (materials such as glass, sharp metal and nails). A dog tether must be a minimum length of three (3) times the length of the dog, measured from the tip of its nose to the base of its tail. No animal may be kept continuously tethered for more than twelve (12) hours during any twenty-four-hour period or tethered on a continuous basis.

6. *Exercise:* Confined animal must be regularly provided with physical activity appropriate to their species, age and condition sufficient to maintain their good health.

7. *Veterinary care:* The owner of a diseased or injured animal shall promptly provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals, as necessary to prevent the transmittal of disease.

B. *Torture or neglect:* It shall be unlawful for any person to allow an animal to suffer or permit any animal to be tortured, neglected, tormented, overloaded, overworked, cruelly beaten or mutilated that results in injury or death of the animal.

C. *Animal fights prohibited:* It shall be unlawful for any person to cause, instigate, or permit any dogfight, cockfight, bullfight, or other such combat between animals or humans. A violation of this section is punishable by state law.

D. *Fighting equipment*: It shall be unlawful to possess cockspurs, slashers, gaffs, or other tools, equipment, devices or training facilities intended for purposes for training or engaging an animal in combat with another animal.

E. *Leg hold traps*: It shall be illegal to set out any leg hold traps in the City unless approved by the animal control agency and the City planning and zoning department.

F. *Animal exhibition, circus*: It shall be unlawful for an animal exhibition or circus to perform acts or establish exhibits where the performing or exhibited animals are induced to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which is likely to cause physical injury or suffering.

G. *Confinement without food and water; intervention*: A person observing a domestic animal confined without access to food or water for more than twenty-four (24) hours, should immediately contact the animal control agency.

H. *Improper containment of animal in motor vehicle*: No person(s) shall permit an animal to be contained within a motor vehicle under conditions that endanger the health, safety or well being of the animal. This provision includes circumstances relating to dangerous temperatures or lack of air, food, water and proper care. An animal control officer/police officer or public official who has probable cause to believe a confined animal is imperiled shall have the authority to enter the motor vehicle by any reasonable means after making an effort to locate the owner.

I. *Abandonment*: It shall be unlawful to abandon an animal intentionally, knowingly, recklessly, or, with criminal negligence, or leave an animal at a location without providing for the animal's continued care. Abandonment includes the disposing of an animal at or near an animal shelter, veterinary clinic or other place of shelter without first making provisions for its reasonable care.

A violation of this section, except section C, shall constitute a misdemeanor and shall be punished as provided for in 1-4-1 of the Kuna City Code. Section C shall be punishable as prescribed therein.

10-3-4: **WILD ANIMALS:**

A. It shall be unlawful for any person to keep, maintain or have in their possession or control, a wild animal as defined herein.

B. This prohibition does not apply to zoological parks, properly licensed transient animal exhibitions, circuses, or licensed veterinarians, or those facilities possessing valid and current state and/or federal permits to keep such animals.

10-3-5: **MAINTENANCE OF FARM ANIMALS WITHIN CITY:**

A. *Keeping unlawful:* It shall be unlawful to introduce farm animal(s) into the City of Kuna from the effective date of the ordinance from which this chapter derives passage, unless the City zone where the animal(s) will be stabled, kept, pastured or maintained, permits or specially permits through zoning process, the accommodation of farm animals. Farm animal(s) and/or structures to house the same that existed within the City prior to the effective date of this chapter's passage or if the City through an annexation procedure, has annexed land into the City where farm animals are not permitted, but where maintained prior to annexation, said farm animals are granted a nonconforming status according to Idaho law.

B. *Approval criteria:* The keeping of farm animals, where permitted, shall be according to the following approval criteria:

1. *Minimum lot size:* A minimum lot size shall be of a size sufficient for the health and welfare of the animal. If there is a dispute as to the necessary size of the lot, it shall be determined based on the assessment of a veterinarian knowledgeable in the keeping of the specific farm animal, who is provided specifics about where the animals will be kept.

2. *Location of housing structure:* Large farm animals are not to be housed in any structure located less than fifty (50) feet from a property line. Small farm animals are not to be housed in any structure located less than fifteen (15) feet from a property line.

3. *Area fenced:* Farm animals shall be kept in a fenced area, with both the fencing, sufficient to contain the animal(s), and the location approved by the City.

10-3-6: **DOGS PROHIBITED ON PUBLICLY OWNED PROPERTY:**

A. *Creation of dog-free areas; exceptions:* It is the intent of the City Council to create areas within the City limits that are designated "dog-free" areas. It shall, therefore, be unlawful for any person to permit, allow, or carry any dog onto publicly owned posted property or any other public place that has been posted disallowing dogs, with the following exceptions:

1. Persons with disabilities utilizing assistance animals.
The dog is confined in a motorized vehicle.
3. The dog is confined to perimeter sidewalks or roadways only.
4. Police officers and their service animals.
5. Search and rescue animal handlers.

B. *Parental responsibility:* In the event that the dog's owner is a minor, the parent or guardian shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by the animal.

10-3-7: **DOG LICENSES:**

A. *Location for purchasing license:* Dog licenses shall be purchased at locations designated by the City Council.

B. *License required; exceptions:* It shall be unlawful for any person to own, harbor, keep or possess a dog older than six (6) months of age within the City without first procuring a license as required by this chapter, except:

1. Dogs whose owners are nonresidents, but who are temporarily residing within the City for thirty (30) days or less, and possessing a license issued by another municipality or other licensing authority.

2. Dogs brought into the City for the purpose of participating in shows, exhibits, competitions or similar events.

3. Dogs specially trained to assist people with disabilities where the dog is serving in this capacity

4. Dogs for sale through licensed pet stores.

C. *License term; application; fees:*

1. Dog licenses shall be valid until December 31 of each calendar year. The owner of the dog located within the City shall make application at City Council designated locations and pay a license fee according to the schedule of fees adopted by City resolution.

After July 1 of each calendar year, the license fee shall be one-half of the regular license fee and effective until December 31 of that year.

3. No dog will be licensed as spayed or neutered without valid proof the surgery was performed.

4. At time of payment the license issuer shall provide a receipt designating the dog owner's name, license number, animal gender (or status of spayed or neutered) and the amount paid along with providing a metal tag bearing the number corresponding to that affixed upon the receipt.

5. If a license is lost, the dog owner shall apply for a replacement tag and pay the appropriate fee.

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

D. *Use of improper or imitation dog license:* It shall be unlawful for a person to allow their dog to wear a license tag issued to another dog, or wear an imitated City license tag representing the current year's registration, or any tag marked on plate or collar similar to that required by the City.

10-3-8: **LIMITATIONS ON NUMBER OF DOGS OR CATS:**

A. A dog or cat owner is limited to four (4) dogs or cats on the premises at one (1) time; unless said person obtains a valid commercial kennel license that affords a greater number of dogs or cats.

B. For the purposes of this section, the litter of a female dog or cat may be kept with its mother and the litter, and shall constitute one (1) dog or cat until the litter reaches six (6) months of age at which time this status will divest and each dog or cat shall be counted as an individual animal.

C. Any person may exceed the four (4) dogs per premises limit, where all of the dogs are service dogs that have received professional special training, such as seeing eye dogs, safety dogs or companion dogs, and the dogs will be in use at said premises in their special training capacity and the person(s) utilizing the dogs reside(s) on the premises.

10-3-9: **COMMERCIAL KENNEL LICENSES:**

A. *License requirements:* All kennels must be properly licensed. Applications are to be addressed to the Idaho Humane Society, Incorporated, with a duplicate application sent to the City. The application shall state the name and address of the owner, the location of the kennel, and the breed(s) of dog to be kept. The City fee for a kennel license shall be set by resolution of the City Council. An authorized officer of the Idaho Humane Society shall inspect all prospective kennels prior to granting a kennel permit.

B. *Any application for a kennel permit must include:*

1. Written approval from the Idaho Humane Society that includes a statement about the number of dogs that may be kept at the facility.

Licensing for each dog that is subject to licensing under section 10-3-7.

3. Written City of Kuna Planning and Zoning Department approval:

a. Written approval shall be in the form of an approved conditional use permit and possession of a valid zoning certificate.

b. Written approval shall provide the Kuna City Planning and Zoning Director or designee's signature on the kennel license.

C. *Revocation of kennel license:*

1. A kennel permit may be revoked or the application for kennel permit denied when any of the following conditions are found to exist:

a. Dogs from the subject kennel are apprehended by an animal control officer for running-at-large within the City limits more than one (1) time in any six-month period.

b. Failure of the kennel to maintain an accurate list of all the dogs kept at the kennel. The list shall be maintained as part of the business records of the kennel.

c. The kennel keeping more than the approved number of dogs at the kennel.

d. Failure of the kennel to allow access to an authorized humane society officer to inspect the kennel facility.

e. Failure to maintain the kennel in a clean and sanitary manner by the kennel operator or its staff.

f. Failure by the kennel to provide the animal's adequate shelter and protection from the weather.

g. Failure by the kennel to provide the animal's with adequate ventilation.

h. The quartering together of temperamentally unsuited dogs or allowing the animals to be in proximity to one another which action causes the dogs to be abused or tormented.

i. Excessive or loud animal noises at the kennel.

j. Failure to adequately treat any diseased or injured dog or failure to segregate a diseased dog necessary to preventing the spread of disease to other animals.

D. Upon notice of revocation, served by the animal control officer, a kennel license holder shall have thirty (30) days to cure any noted defect. In the alternative, the kennel license holder may, within thirty (30) days, file a written protest to contest such revocation. The protest must be filed with the City of Kuna.

E. If no protest has been submitted to the Kuna City Council by the kennel owner seeking review of a revocation within thirty (30) days after notice of that action, the kennel license shall be deemed revoked.

10-3-10: ANIMALS RUNNING AT LARGE PROHIBITED:

A. *Animals running at large:* It shall be unlawful for any owner to allow an animal(s) to run at large. Animals on a leash, cord or chain (not to exceed 8 feet) and accompanied by a person competent to handle the animal shall be permitted on streets or public land, unless the City has posted and signed an area "animals prohibited".

B. *Impoundment:* The animal control agency may impound any dog, cat, or animal found running-at-large, subject to redemption in the manner as provided for herein. It shall be unlawful to kill, destroy, or cause injury to an animal running-at-large, except as provided for herein.

C. *Collar and tag required:* Every dog shall wear a substantial, durable collar, or harness at all times, to which the required license tag shall be securely attached.

D. *Training and exercise grounds:* The City Council may designate public grounds for the training or exercise of dogs, subject to certain rules and regulations. Dogs exercising in these areas need not be controlled by leash, provided they are under the control of a responsible person through whistle, voice, or other effective command.

10-3-11: FOUND STRAY ANIMALS:

It shall be unlawful for any person to take into their possession a stray animal without notifying the animal control agency at once. The animal shall be released to the animal control shelter or animal control officer upon demand by that agency's representative without charge.

10-3-12: RABIES CONTROL:

A. *Rabies vaccination required:*

1. *Vaccination requirement:* The owner of any dog, cat or ferret over sixteen (16) weeks of age is required to have them vaccinated for rabies by a licensed veterinarian and to keep the vaccinations current, or request these requirements be waived by a licensed veterinarian.

2. *Waiver of vaccination:* The waiver of the rabies vaccination requirement shall be obtained from a licensed veterinarian in the form of written statement that advises the medical reason for the waiver.

3. *Revaccination:* The owner of every dog, cat or ferret shall have the animal revaccinated twelve (12) months after the initial vaccination and then every three (3) years thereafter. The owner shall use a vaccine labeled by the manufacturer for triennial use, or every year use a vaccine labeled by the manufacturer for annual use.

4. *Rabies certificate:* The owner must keep a certificate of rabies vaccination issued by a licensed veterinarian. The certificate must provide the date of vaccination, owner's name and address, the animal's name (if applicable), sex, description and weight, the type of vaccine, the vaccine producer and product name, and the veterinarian's identity.

B. *Reporting suspected case of rabies:* A person who has care or custody of an animal displaying rabies symptoms or acting in a manner, which prompts a reasonable suspicion that it may have this disease, shall notify the animal control agency.

C. *Keeping of rabid animals unlawful:* It shall be unlawful for a person, other than a licensed veterinarian, or the animal control agency, to have in its possession any animal afflicted with rabies or suspected of having rabies.

D. *Reporting of bites:* If a person's animal bites someone and this particular animal species is vulnerable to contracting rabies, the animal owner shall immediately notify the animal control agency.

E. *Payment of fees and expenses:* The owner of any animal quarantined under the provisions of this section shall pay all fees and expenses related to that action including the impoundment, confinement, board, examination, laboratory testing and release of the animal from quarantine, and any other deposit or fee required by this chapter.

10-3-13: ANIMALS PRESENTING AN IMMEDIATE DANGER:

A. If an animal presents an immediate danger to the health and safety of a person, or the animal is threatening or harming a person, the animal may be destroyed by whatever humane means necessary to prevent further injury to the victim. Alternatively, the officer or animal control agency may, if practical apprehend the animal and impound it.

Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

10-3-14: DIRECTING A DOG TO HARRASS OR ATTACK:

A. It shall be unlawful for the owner of any animal to direct, encourage, cause, allow, or otherwise aid or assist a dog to threaten, charge, bite, harass, menace, or attack a person within the City. The aggressive animal may be seized and impounded. This section shall not apply to an attack by a dog under the control of a law enforcement officer or resultant from an attack upon an uninvited intruder who enters the owner's property with a criminal intent.

Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

10-3-15: DISEASED ANIMALS:

A. *Keeping diseased animal:* No person shall keep on their premises or permit to run at large a diseased animal who poses a danger to the health and safety of the City residents, even if the animal is properly licensed under this chapter.

B. *Confinement:* An animal suspected of carrying a disease that presents a threat to the health and safety of the public may be apprehended and quarantined at the animal control shelter or other approved location operated by the animal control agency. The animal control agency shall have a qualified, licensed veterinarian examine the animal. If the animal is found to be diseased and poses a danger to the health and safety of the City, the officer shall cause the animal to be humanely destroyed and see to the proper disposal of the remains. The owner of the animal destroyed shall be liable for the associated costs of maintaining and disposing of the animal, plus any veterinarian examination costs.

C. *Release:* If, after examination, the animal is found not to be diseased the animal shall be released to the owner free of charge for services rendered.

D. *Destruction:* An animal determined by a qualified, licensed veterinarian to carry a disease that threatens the health of humans or animals may be immediately destroyed where such action is necessary to protect public health and safety.

10-3-16: **HABITUAL BARKING OR NOISEMAKING:**

A. *Prohibition:* It shall be unlawful for a person to fail to exercise proper care and control of their animal who frequently and/or excessively emits noises that are audible off of the owner's property.

B. *Impoundment:* An animal determined to be in violation of this section may be seized and impounded in the event such disturbance reoccurs after the person in control of the premises has received one (1) prior warning or citation within a period of six (6) months from the animal control agency. It is not an acceptable defense to plead that prior animal noise making, warnings or citations involved different animals.

C. *Exception, farm animals:* This section shall not apply to noises made by farm animals whether it is noise making emanating from commercial or noncommercial activities on land permitted for farm animal keeping.

D. *Affirmative defense:* An affirmative noise defense is the circumstance where an animal was intentionally provoked into making noises.

10-3-17: **DAMAGE TO PROPERTY; LIABILITY:**

It shall be unlawful for any animal to damage or destroy any property, including a lawn or garden, or other thing of value upon the private property of any person or upon any public property. In the event that the owner of the animal is a minor or incapacitated person, the parent

or guardian of such minor shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by said animal.

10-3-18: CLEANING UP WASTE:

An owner of an animal shall be responsible for cleaning up the animal's wastes and disposing of the waste in a sanitary manner when occurring on other's property and at the time of the occurrence. An owner of any animal shall also be responsible for maintaining sanitary conditions on their own property.

10-3-19: DOGS AND CATS' ESTROUS CYCLE:

An owner of any dog or cat experiencing an estrous cycle shall cause the animal to be confined in a manner where said animal cannot come in contact with another dog or cat, except for planned breeding purposes. Any dog or cat running at large during its estrous cycle may be seized and impounded.

10-3-20: DEPOSITING DEAD ANIMALS WITHIN CITY LIMITS:

It shall be unlawful for a person to deposit a dead animal's body on public or private property in the City or allow the animal to remain unburied for more than twenty-four (24) hours.

10-3-21: ENFORCEMENT OFFICIAL; ANIMAL SHELTER:

A. *Appointment of animal control agency:* The City Council is authorized to appoint an animal control agency to enforce the provisions of this chapter.

Duty of animal control agency, shelter and its officers or assigns: The animal control agency is authorized to enforce the provisions of this chapter and is designated as a peace officer for this purpose. The animal control agency is authorized to make necessary animal seizures. The agency may remove and keep any animal in violation of the provisions of this chapter. The animal control agency shall issue a notice of ordinance violation to enforce provisions of this section. The notice of ordinance violation may be signed by any person witnessing a violation as well as the witnessing animal control officer whose name shall be affixed on the notice of ordinance violation.

B. *Issuance of citations; time limit for payment:* When administrative citations are issued, the violator will have fifteen (15) working days to pay the citation. The fifteen (15) days shall not include Saturdays, Sundays and government holidays and the time limit begins the day the citation is issued.

C. *Late fees:* For every day the administrative citation is not paid beyond the due date, a ten dollar (\$10.00) charge will be assessed each day until the citation and late fees are paid in full.
Failure to pay; infraction: Failure to pay an administrative citation within fifteen (15) working days of the date the administrative citation is issued shall be an infraction, punishable by a fine as provided for in KCC 1-4-1.

D. *Designation of animal control shelter:* The City Council shall designate an official animal control shelter where animals found in violation of this chapter shall be taken.

10-3-22: **OBSTRUCTING ANIMAL CONTROL OFFICER:**

No person shall obstruct, delay, hinder, or interfere with any person authorized by the City Council to discharge their duties under this section. The following acts are considered obstructing or interfering with an animal control officer's duties:

A. Removing an animal from the animal control shelter or from the custody of an animal control officer without the authority of the animal control agency.

B. Removing an animal from the animal control shelter without paying the designated fees.

C. Threatening or obstructing an animal control officer acting in their official powers or duties.

D. Committing an act that interferes with or obstructs an animal control officer acting in the discharge of their duties.

E. An animal control officer in the course of their duties has an obligation to identify who they are to those requesting that information and provide a current work address and, if necessary, sign an acknowledgement of receipt of infraction or misdemeanor.

F. It is unlawful to make a false or misleading statement or representation about animal ownership or custody to an animal control agency, shelter or officer.

Any person violating this section shall be guilty of a misdemeanor punishable as provided for in Kuna City Code 1-4-1.

10-3-23: **IMPOUNDING OF ANIMALS:**

The animal control officer may impound an animal if they have probable cause to believe a person has violated any provision of this chapter for which an animal may be impounded. The notice and terms of impoundment, redemption and disposal of such animal is as follows:

A. *Record of impounding:* At time of animal impoundment the animal control agency shall record the date of impounding, a description of the animal impounded, and an assessment of its identity if that can be determined.

B. *Identified animals:* Within twenty-four (24) hours after impoundment of an identified animal, the animal control agency shall make a reasonable effort to notify the owner of the animal's impoundment.

C. *Redeeming animals:*

1. Animals brought to the animal control shelter shall be provided humane treatment and sufficient food and water for their comfort, and held by the animal control shelter for a period of time, as determined by the impounding agency, unless they are subject to other provisions of this section.

2. This section does not apply to animals that are sick or injured to the extent that their impoundment will prolong their suffering and a better course of action would be to humanely euthanize the animal in the opinion of a licensed veterinarian.

3. The owner of any animal that is lawfully impounded shall be responsible for and pay all fees and expenses related to the impoundment whether or not the animal is later claimed.

4. The following protocol is required to reclaim an animal, unless otherwise noted:

- a. Execution of a sworn statement of ownership.
- b. Proof of current license (if required) in the circumstance the animal is untagged, or purchase of a license and tag.
- c. Payment of the impoundment fees.
- d. Payment of the boarding fee according to the boarding schedule.
- e. Payment of any veterinary and hospital expenses incurred during the animal's impoundment.

D. *Refusal to redeem impounded animal; adoption; appeal:* The animal may not be redeemed by the owner, if, in the judgment of a licensed veterinarian or the animal control agency, an animal should not be returned to the owner for humane or public health reasons. The animal control agency shall hold the animal for that amount of time it determines to be appropriate before it may either; 1) find a responsible person to adopt the animal, or 2) euthanize the animal. . The agency shall take reasonable steps to inform the owner of its intent to euthanize or adopt the animal. Such notice will include the owner's right to appeal the decision to the City Council. An owner may request in writing an appeal of the decision, which will stay an action until the appeal is complete. Upon filing the appeal, the owner shall post the full amount of fees owing up to and including the date set for the appeal. If the City Council decides that the animal should be euthanized, or adopted, the owner shall remain liable for the costs of boarding the animal and any other expenses incurred by the animal control agency while keeping or caring for the animal from the date of the impoundment through the end of the appeals process. The animal control agency shall not be held civilly liable for the euthanasia of the animal.

E. *Impoundment fees:* The animal control shelter shall be entitled to charge a fee for the keeping and selling of an animal, and these fees shall be retained by the animal control shelter.

F. The charges associated with selling an animal shall be determined by the animal control shelter with City Council consultation. The fees charged by the animal control shelter for impounding and keeping any animal shall be paid at time of animal redemption. The animal control shelter is obligated to keep a fee schedule for services rendered available for public inspection and advise the City Council annually the fees it charges for its services.

10-3-24: **CITY IMMUNE FROM LIABILITY:**

The City, the City's designee, the animal control agency, the animal control shelter, and the animal control officer shall be immune from all civil liability for actions taken pursuant to this chapter, or for any failure to take action to enforce the provisions of this chapter. This chapter has been enacted for the welfare of the public as a whole.

10-3-25: HABITUAL VIOLATOR:

A. *Order of abatement; appeal:* In addition to any legal remedy available under the provisions of this chapter, the animal control agency will notify and direct, in writing, the owner of an animal who is guilty of three (3) convictions of a violation of this chapter in any twelve-month period to abate and remove the animal from the City within five (5) calendar days from the date of the notice; or, in the alternative, to abate and transfer ownership and possession of the animal to another person not living at the same place of residence. Such notice to abate shall state the method of appealing the order, except that any appeal must be filed within five (5) calendar days following service of the notice.

B. *Request hearing before district court:* The owner of an animal that has been served with an order of abatement, pursuant to subsection A. of this section, may appeal such order by requesting a hearing before the district court by submitting a written request to the clerk of the court. Any appeal must be filed within five (5) calendar days following service of the notice.

C. *Failure to abate; impoundment of animal:* If the owner of the animal is found in violation of the abatement notice after five (5) calendar days have elapsed from the date of notice and no timely appeal is filed, the animal shall be removed and impounded by the animal control agency, subject to all impoundment procedures; provided, however, the animal may not be returned to the same residence or property from where it formerly resided or was impounded.

10-3-26: PENALTIES:

Except as provided for within this Chapter, any person violating this section shall be guilty of an infraction punishable as provided for in Kuna City Code 1-4-1. A second violation of this section within six (6) months from the date of the commission of the prior offense for which the person was charged shall constitute a misdemeanor and shall be punishable by a fine not exceeding one thousand dollars (\$1,000).

CHAPTER 4 FALSE ALARM ORDINANCE

10-4-1: SHORT TITLE AND PURPOSE:

This chapter shall be known as the "false alarm ordinance" and its purpose is to reduce the number of false security alarms occurring within the municipality thereby enhancing police response time for critical calls for service and reducing the costs to the City for the police response to the increasing number of false security alarms. Further, the intent of this chapter is to

encourage alarm businesses and alarm users to maintain the operational viability of their security alarm systems and to hold owners of alarms systems accountable for the costs associated with responding to false security alarms.

10-4-2: **DEFINITIONS:**

ALARM INSTALLATION COMPANY. A person or entity in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system in a business or residence.

ALARM MONITORING BUSINESS. Any person, firm, or corporation who is engaged in the monitoring of security alarm systems and the summoning of a law enforcement response to the alarm location.

ALARM OFFICER. The Chief of the Kuna Police Department or his/her designee.

ALARM SYSTEM. Any mechanical, electrical or other device, which is designed or used for the detection of a trespass, burglary or robbery within a building, structure or facility or for alerting others to a hazard or to the commission of an unlawful act within a building, structure or facility or which emits a sound or transmits a signal or message when activated and which is designed to elicit a response from the police department. Alarm systems include, but are not limited to, direct-dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms but are audible, visible or perceptible outside the protected building, structure or facility are not included with this definition. An alarm system includes all the necessary equipment designed and installed for the detection of a trespass, burglary, robbery or other hazard in a single building, structure or facility or for alerting others to the commission of an unlawful act within a building, structure or facility.

ALARM USER. Any person who purchases, leases, contracts for or otherwise obtains a security alarm system or contracts for the servicing or maintenance of a security alarm system.

AUDIBLE ALARM. Any device designed for the detection of an unauthorized entry on the premises, and which, when activated, generates an audible sound on the premises.

AUTOMATIC DIALING DEVICE. An alarm system which automatically sends a transmission over a standard telephone line, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation that the alarm system is designed to detect.

EMERGENCY. Any condition for which the alarm was designed and installed and which, results in a response of police personnel.

ENHANCED CALL VERIFICATION. An independent method whereby the alarm monitoring company attempts to determine that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation. This verification process will be conducted by the alarm system monitoring personnel and shall consist of making two (2) phone calls to the responsible party or parties and shall not take more than five (5) minutes from the time the alarm signal has been accepted by the alarm monitoring company. At least one (1) of the two (2) phone calls must be made to the party of the premises upon which the alarm system is installed.

FALSE ALARM. An alarm signal, message, transmittal or communication, which is activated from an alarm system and which is responded to by personnel of the police department for which no emergency situation exists or existed as determined by the responding police personnel. False alarms shall not include alarms caused by natural occurrences such as hurricanes, tornadoes,

earthquakes or other extraordinary circumstances determined by the alarm officer to be clearly beyond the control of the alarm user.

HOLDUP ALARM. (also duress alarm, robbery alarm or panic alarm). An alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises, intended to signal that a robbery or other crime is in progress, and that one (1) or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm or death at the hands of the perpetrator of the robbery or other crime.

INTERCONNECT. Any connection to an alarm system, including an automatic dialing device, to a telephone line, either directly or through a mechanical device that utilizes a telephone to transmit a message upon the activation of the alarm system.

ONE PLUS DURESS ALARM. A security system which permits the manual activation of an alarm signal by entering on a keypad, a code that either adds the value of 1 to the last digit of a normal arm/disarm code (e.g., the normal arm/disarm code "1234" as "1235" automatically activates the duress alarm feature) or that involves entering any incorrect final digit to a normal arm/disarm code.

PENALTY STATUS. That status achieved by more than one (1) false alarm within the calendar year beginning January 1 and ending December 31.

Person. Any individual, partnership, association, corporation, or organization of any kind, or any governmental entity or political subdivision thereof.

SIA CONTROL PANEL STANDARD CP-01. The ANSI - Control Panel Standard, and as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

10-4-3: **ALLOCATION OF REVENUE:**

All service fees collected pursuant to this chapter shall be paid to the General Fund of the City of Kuna.

10-4-4: **ALARM PROCEDURES AND REGULATIONS:**

A. Each alarm user shall maintain each alarm system in good working order, and provide the necessary service to prevent malfunctions.

B. It is unlawful for any person to install or maintain any audible alarm which creates a sound similar to that of a civil defense warning system.

C. Each alarm user is responsible for assuring that each alarm system is used properly and in accordance with the manufacturer's directions and the law.

D. Every person maintaining an alarm system shall provide to the Kuna City Police Department and the Ada County 911 Communications Center located at the Ada County Sheriff's Department, 7200 Barrister Drive, Boise, Idaho, 83704, information containing the

names and telephone numbers of the persons to be notified in order to render repairs or service and secure the premises during any hour of the day or night that the alarm system is actuated within fifteen (15) days of installation of the alarm system.

E. Every person maintaining an alarm system shall make readily visible, either on or immediately adjacent to the exterior of the device emitting the alarm, the name and telephone number of the responsible party to be notified in order to render repairs and service and secure the premises during any hour of the day or night that the alarm system is activated.

F. Every audible alarm shall have a timing device, which automatically shuts off the alarm within thirty (30) minutes after it has been activated.

G. It shall be unlawful for an alarm user or his/her representative to fail to respond to the alarm location within sixty (60) minutes after being requested to do so by a law enforcement representative or Ada County Sheriff's Department personnel. A person responding to the alarm location shall take whatever remedial action is necessary to secure the property from further intrusion, or take whatever action is necessary to render service to the alarm or to provide response by another person who is able to render the necessary action after the responding law enforcement agency has rendered the area safe from possible entry by an intruder. Unless specifically requested, the law enforcement agency responding shall be under no obligation to remain at the locations of the alarm for a period in excess of fifteen (15) minutes, while waiting for the responding party to arrive unless illegal entry has occurred.

H. No person shall maintain, operate, use or attempt to use, an alarm system that generates a false alarm. Each alarm user is responsible for paying the false alarm special service fee, as provided in section 10-4-7.

10-4-5: DUTIES OF ALARM INSTALLATION AND MONITORING COMPANIES:

A. The alarm installation company shall provide written and oral instructions to each of its alarm users in the proper use and operation of their alarm systems. Such instructions will specifically include all instructions necessary to turn the alarm system on and off and to avoid false alarms.

B. After the effective date of this chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Monitoring companies may continue to report one plus duress alarms received from alarm systems programmed with one plus duress alarms prior to enactment of this chapter. However, upon the effective date of this chapter, when a takeover or conversion occurs or if an alarm user requests an alarm system inspection or modification, the alarm installation company must remove the one plus duress alarm capability from such alarm system.

C. After the effective date of this chapter, alarm installation companies shall not install a device to activate a holdup alarm, which consists of a single-action and nonrecessed button.

D. An alarm installation or monitoring company shall not install or use automatic dialing devices.

E. Enhanced call verification is required. After the effective date of this chapter, every alarm monitoring company shall verify every security alarm signal prior to requesting a police dispatch by making two (2) phone calls to the responsible party or parties, not more than five (5) minutes from the time the alarm signal has been accepted by the alarm system monitoring company. At least one (1) of the two (2) phone calls must be made to a party off the premises upon which the alarm system is installed

F. Once notification that an alarm system is activated, the alarm monitoring company shall immediately proceed to silence the alarm or ensure that the alarm is silenced. The silencing of the alarm must be completed within fifteen (15) minutes after notification of activation when the alarm system is protecting a residential structure or within thirty (30) minutes when the alarm system is protecting a commercial or industrial structure.

10-4-6: INTENTIONAL FALSIFICATION OF ALARM SYSTEM PROHIBITED:

It shall be unlawful for any person to activate an alarm system for the purpose of summoning police, except in the event of what is reasonably believed to be an unauthorized entry on the premises for the purposes of carrying out a felony or violent misdemeanor therein.

10-4-7: FALSE ALARM, SPECIAL SERVICE FEE:

A. An alarm user whose alarm has elicited one (1) false alarm response from law enforcement within one (1) calendar year, where any subsequent alarms are false, will be assessed a service fee for each false alarm that occurs within that period of time.

B. If one (1) false alarm within one (1) calendar year are received from any alarm system;

1. The alarm officer shall notify the alarm user by personally serving a notice of false alarm, upon a form, as approved the alarm officer, upon the owner of the building, or by sending a letter via certified mail of the false alarm.

2. The alarm officer will advise the alarm user that any additional false alarms within the calendar year will result in the assessment of a service fee for each additional false alarm that has been responded to, as determined by the following schedule:

Second False Alarm	\$50.00
Third False Alarm	\$100.00
Fourth False Alarm	\$150.00
Every successive False Alarm over 4	\$175.00

C. A fifteen-day grace period will be extended to all alarm users after the initial installation of an alarm system. The official recording of false alarms will not commence until after the expiration of the fifteen-day grace period.

10-4-8: **ENFORCEMENT OF ALARM ORDINANCE AND PENALTIES:**

In addition to the Special Service Fees, each violation of this section shall constitute an infraction punishable by a fine of one hundred dollars (\$100.00). Each alarm call shall be considered a single violation.

10-4-9: **SEVERABILITY:**

If any clause, sentence, paragraph, section or any part of this chapter shall be declared and adjudged to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect, invalidate, or nullify the remainder of this chapter.

10-4-10: **EFFECTIVE DATE:**

The ordinance from which this chapter derives shall be effective upon passage.

CHAPTER 5 DISCHARGE OF WEAPONS

10-5-1: **DEFINITIONS:**

FIREARM. Any device, designed to be used as a weapon, from which a projectile is discharged through a barrel by the force of an explosive charge.

AIR GUN. Any weapon that expels a projectile through the action of release of a pressurized gas, compressed air, expanding gas, or other force-producing means or method including, but not limited to, objects commonly referred to as air guns, air pistols, air rifles, "bb" guns, pellet guns, blow guns, air soft guns and paint ball guns.

10-5-2: **PROHIBITED ACTS:**

A. It shall be unlawful to discharge a firearm within City limits from a dwelling or vehicle or within any platted and developed subdivision or in a manner likely to cause damage to the property of another.

B. It shall be unlawful to discharge any air gun upon or within the public right-of way, public parks and other public property and ways, or private property open to the public, except at a range established or approved by the City of Kuna.

C. This section shall not apply to firearms discharged at a regularly established shooting gallery or range licensed and authorized by Kuna City Code or by any law enforcement officer when discharging his/her firearm in the performance of his/her duty or when any citizen is discharging a firearm or other dangerous or deadly weapon when lawfully defending person or property.

A violation of subsection A of this section shall be a misdemeanor punishable as provided for in 1-4-1 of the Kuna City Code. A violation of subsection B of this section shall be an infraction punishable by a fine of one hundred dollars (\$100.00).

CHAPTER 6 NOISE

10-6-1: **PURPOSE:**

The purpose of this chapter is the protection of the health, safety and welfare of the residents of the City. It is determined that sound can and does constitute a hazard to the health, safety, welfare and quality of life of residents of the city. The mayor and Council, by way of Idaho Code§ 50-308, are empowered to impose reasonable limitations and regulations upon the production of sound to reduce the harmful effects thereof. Now, therefore, it is hereafter the policy of this City to prevent and regulate sound generated by loud amplification devices wherever it is deemed to be harmful to the health, safety, welfare or quality of life of the residents of the City, and this chapter shall be liberally construed to effectuate that purpose.

10-6-2: **DEFINITIONS:**

COMMON AREA(S): The area of a facility, complex, apartment unit, hotel, motel or the like that is open either to the general public or persons with the permission of the owner or agent of the owner of the area. This definition would include, but not be limited to the following: Swimming pools, restaurants, patios, hot tubs, saunas, laundry rooms, meeting rooms, lobbies, lounges, bars, and other areas within the facility that are either constructed or designed for use in this manner.

LOUD AMPLIFICATION DEVICE: Any equipment designed or used for sound production, reproduction, or amplification, including, but not limited to, any radio, television, phonograph, musical instrument, stereo, tape player, compact disc player, loud speaker, public address (PA) system, sound amplifier, or comparable sound broadcasting device.

PERSON: Any individual, association, organization, or entity having legally recognized existence, whether public or private.

PLACE OF RESIDENCE: Any building or portion thereof adapted or used and intended for the overnight accommodation of persons. In buildings that contain multiple individual units (i.e., apartment, condominium, hotel, motel, duplex, triplex, etc.), each individual unit shall be considered a separate residence for the purpose of this chapter.

PLAINLY AUDIBLE: Sound for which the information content is clearly communicated to the listener, including, but not limited to, understandable spoken speech, comprehension of whether a voice is raised or normal, comprehensible musical rhythms, melody, or instrumentation, and the source of which is identifiable to the listener.

10-6-3: **PUBLIC DISTURBANCE NOISE PROHIBITED:**

Between the hours of 11:00 p.m. one day and 7:00 a.m. the next day, it shall be unlawful for any person, or business to make, cause, or allow noise by any means whatever that disturbs the peace

and quiet of any inhabitant of a place of residence. The noise prohibited by this section is noise that a reasonable person should know would disturb a reasonable person of normal sensitivity.

10-6-4: EXCESSIVE AMPLIFIED SOUND PROHIBITED:

A. It shall be unlawful for any person to operate, or permit the operation of, any loud amplification device upon or within a motor vehicle in such a manner that the sound therefrom is plainly audible upon a public right-of-way or street at a distance of fifty (50) feet or more from the source of the sound.

B. It shall be unlawful for any person to operate, or permit the operation of, any loud amplification device so that sound therefrom is plainly audible within any place of residence, business, hospital, farm property with animals, or restaurant other than the source of the sound, or where such sound is plainly audible upon a public right-of-way or street at a distance of one hundred (100) feet or more from the source of such sound.

10-6-5: EXCEPTIONS:

The following sounds are exempted from the provisions of this chapter:

A. Sounds caused by any emergency vehicle or personnel when responding to an emergency call or acting in time of emergency.

B. Sounds caused by activities upon any municipal, school, religious, or publicly owned property or facility provided that such activities have been authorized by the owner of such property or facility or its agent.

C. Sounds caused by parades, Kuna Days (between the hours of 7:00 a.m. one day to 2:00 a.m. the following day), firework displays, or any other event or type of activity for which a permit is required and has been obtained from the authorized governmental entity within such hours as may be imposed as a condition for the issuance of said permit.

D. Sounds caused by locomotives or other railroad equipment.

E. Sounds caused by burglar alarms that are not in violation of this Code.

F. Sounds caused by safety warning devices required by law.

G. Sounds caused by devices approved for use within the confines of the particular zoning designation that the device is located or pursuant to a conditional use permit (i.e., drive-through window speakers, ice cream vendors, car lot PA systems), so long as such sounds produced are not unreasonably loud.

H. Sounds emanating from devices approved by the owners or management of a multiunit facility and used within the common areas of such facility. Said use must be in compliance with

any regulations imposed by the owners or management of the facility to be exempt under this chapter. This exemption only applies in relation to other units within the same facility.

10-6-6: PENALTY:

A violation of section 10-6-3 of this chapter shall constitute a misdemeanor punishable by 1-4-1 of the Kuna City Code. A violation of 10-6-4 of this chapter shall constitute an infraction punishable by a fine of one hundred dollars (\$100.00).

Section 2. That all ordinances, resolutions, orders or parts thereof, or in conflict with this ordinance are hereby voided.

Section 3. This ordinance shall become effective upon passage and publication as required by law.

PASSED by the City Council of the City of Kuna, Idaho this ____ day of April 2015.

APPROVED by the Mayor of the City of Kuna, Idaho this ____ day of April 2015.

CITY OF KUNA
Ada County, Idaho

W. Greg Nelson, Mayor

ATTEST

Chris Engels, City Clerk