

TITLE 5

LAW ENFORCEMENT AND ANIMAL CONTROL

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CHAPTER 1

ANIMAL CARE AND CONTROL

SECTION:

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5-1-1: **PURPOSE:** Teton County hereby establishes this ordinance to promote the health, safety, and welfare of the residents, animals, and visitor of Teton County; 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; 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 and/or creating nuisances.

5-1-2: **DEFINITIONS:** When used in this chapter, unless the context otherwise indicates, the following terms and phrases shall have the meanings as herein ascribed:

ANIMAL CARE AND CONTROL OFFICER: The person or persons given authority by the Teton County Board of Commissioners or the Teton County Sheriff's Office, to enforce this chapter, or any peace officer in this State.

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 10 feet), by confinement, within a vehicle, or otherwise restrained and under the immediate control of a competent and responsible attendant.

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 or unrestrained in the streets, along the sidewalks or on a school ground, playground, park or place of public amusement or recreation.

COUNTY: Shall include the unincorporated areas within the boundaries of Teton County, Idaho.

CRUELTY: Cruelty is defined as follows:

- A. Intentional, negligent, or malicious infliction of pain, physical suffering, injury, or death upon an animal;
- B. To poison, torture, cruelly beat, mutilate, or cruelly kill an animal;
- C. To maliciously kill, maim, wound, overdrive, overload, drive when overloaded, overwork;
- D. To drive, ride, or otherwise use an animal when it is unfit;
- E. To abandon an animal;
- F. To intentionally, negligently, or maliciously confine an animal in unsanitary conditions, house an animal in quarters that are insufficient to provide exercise and free movement and/or force the animal to stand, sit, or lie in excrement, or to house an animal in an inadequate facility;
- G. To intentionally, negligently, or maliciously fail to maintain an animal at a healthy weight and in a healthful condition including providing sufficient food appropriate for the species, free access to fresh potable water, and veterinary care when needed to prevent suffering;
- H. To intentionally, negligently, or maliciously fail to provide adequately ventilated and/or insulated shelter for the animal in light of:
 - i. Hot or cold weather conditions,
 - ii. Other extreme environmental conditions such as pestilence or exposure,
 - iii. The species and breed of the animal and its ability to adapt to weather and environmental conditions,
 - iv. The general health and physical condition of the animal;
- I. To tie, or restrain an animal on an outdoor leash or lead for more than 12 hours a day and/or fail to provide adequate food, water, and shelter for the tethered animal as defined in 5-1-2(H) and (I).

DOG: Includes any unaltered or altered male or female canine, not otherwise used for law enforcement purposes.

HUMANE: To provide proper food, water, sanitation, ventilation, medical attention and shelter from weather as needed.

HUMANELY DISPOSE: To euthanize any animal according to the State of Idaho Board of Veterinary Medicine's current euthanasia rules and/or by a qualified veterinarian clinic/hospital, or certified euthanasia technician.

IMPOUNDED: Having been received into the custody of the Teton County Sheriff's Department or shelter master or other designated agent.

INJURY: Any physical injury that results in any breaking of the skin, infection, broken bone or disfiguring laceration.

LICENSE: Shall include a metal tag or disc bearing the year of issue, the name of Teton County, Idaho, and number corresponding to the number kept in the records of the animal shelter and the animal control officer, showing the person to whom such license was issued.

OWNER: Includes any individual, partnership, corporation, company, society or association keeping or harboring a dog or dogs.

PREMISES: The real property owner or occupied by the owner of the dog.

RESTRAINT: An animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person and under that person's supervision off the owner's premises.

SHELTER MASTER: The person or persons responsible for an animal shelter that provides humane care for animals impounded by the animal care and control officer.

TCSO: Teton County Sheriff's Office

VICIOUS DOG: A dog which when not provoked, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack 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. (Ord. 052200, 05-22-2000)

5-1-3: 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.
 2. Receipt; Tag: Said license shall be paid in accordance with provisions of Idaho Code Section 25-2801, to the agent or officer of the county as designated by the Board of County Commissioners who shall thereupon give to the person paying it a receipt reciting the owner's name and the number of the license, and also a metal tag or disc bearing the year of issue, the name of the county, and a license number corresponding with that mentioned in the receipt.
 3. Duplicate Tag: In the event of loss of license tag, a duplicate, so stamped, shall be provided the owner by the county, at a reasonable cost for each duplicate tag.
- B. When Required; Term; Relicensing: All dogs six (6) months and older shall be licensed within thirty (30) days of being brought into Teton County. Dogs, which are the property of nonresident owners and are not residing in the county for more than thirty (30) days, which have not been properly licensed by another municipal corporation, may be taken up and impounded in accordance with the provisions of this chapter.
- C. Application: The owner shall state at the time application is made for a license and upon printed form provided for such purpose, his name and address; the name, breed, color and gender of each dog owned or kept by him, whether such dog has been spayed or neutered; and in the case of spayed or neutered dogs, the owner shall submit a certificate from a licensed veterinary surgeon that his dog or dogs have been spayed or neutered. Any dog for which no certificate is presented, certifying that such dog has been spayed or neutered, or for which a licensed veterinarian cannot certify that such dog has been spayed or neutered, shall be considered a not-spayed dog or not-neutered dog, and the owner shall be charged a license as though such dog were unaltered. At the time of application for permit the owner shall also present a certificate of rabies vaccination obtained in accordance with this chapter.
- D. Certificate of Vaccination: At time of application for a dog license, a certification of vaccination from a licensed veterinarian must be presented to the animal control officer or shelter master showing that the dog has a current rabies vaccination.

- E. Conditions of Issuance: Licenses issued in accordance with this chapter are conditioned upon compliance of the owner with all provisions of this chapter and other applicable state and local laws. Any license may be revoked if the person holding the license refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or keeping of animals.

5-1-4: **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. (Ord. 052200, 5-22-2000)

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 two 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: A violation of this section shall result in a notice of violation being 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. If it can be shown that there is a prowler or something taunting the animal, a notice will not be issued. A maximum of 2 notices will be allowed in any 12 month period. The third offense shall result in a citation being issued and the owner of the animal being charged with a misdemeanor, punishable as provided in Idaho Code 18-113, as amended. In addition to the misdemeanor, enforcement may result in the removal of the animal. The expense of such work shall be billed to and paid by the owner of the property where the misdemeanor occurred, and if not paid within 30 calendar days, assessed against the property involved and collectible as general taxes.

5-1-5 **IMPOUNDING:**

- A. Power To Impound: Any dog at large as prescribed in this Chapter may be taken by the TCSO, 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. Redemption: At any time that the dog is so impounded, the owner or keeper of the dog may redeem the same by paying to the animal shelter the expenses incurred by the animal shelter for such impoundment. The owner reclaiming an impounded animal may also be cited for a violation of this chapter.
- C. Alternative to Impoundment: Notwithstanding the provisions of this section, if a dog is found at large and its owner can be identified and located, such animal need not be impounded but may, instead, be taken to its owner and the owner may be cited for a violation of this chapter.

5-1-6: **RABID DOG:**

- A. Impoundment of Suspect Animal: If any dog is believed to have rabies, has been bitten by any animal suspected of having rabies, or has been bitten any person, such dog shall be impounded in the animal shelter by the animal control officer or other person authorized by the TCSO.
- B. Registry: The shelter master or some other designated official upon receiving any such dog, shall make a complete registry, entering the breed, color, and gender of such dog, and whether licensed, and shall also make record of the incident which led to the impounding of the dog. If the dog is licensed, the shelter master shall enter the name and address of the owner and the number of the license tag.
- C. Notice to Owner: Not later than three (3) days after the impounding of any such dog, the owner shall be notified, if the owner of the dog is known.
- D. Quarantine: The dog is to be quarantined in the shelter, segregated from other animals, for a period of ten (10) days. At the owner's request and expense, the dog may be quarantined at a licensed veterinarian.
 - 1. No Symptoms Shown: At the end of the ten (10) day period of impoundment, a licensed veterinarian shall inspect the dog and if the dog shows no symptoms of rabies, the veterinarian may authorize the release of the dog.

2. Symptoms Shown: If the dog shows symptoms of rabies, or is suspected by the veterinarian of being infected with rabies, the veterinarian may direct whatever disposition of the dog he may deem necessary, including, but not limited to, destroying the dog and/or conducting laboratory tests on the animal.
- E. Redemption: Following the ten (10) day impoundment, the owner of the impounded dog may reclaim such dog on payment of all costs and charges incurred by the animal shelter for impounding and maintenance of the dog.
- F. Unclaimed Dog: If any dog so impounded is not claimed by the owner thereof at the expiration of twenty (20) days from and after the ten (10) day impoundment, such dog may be humanely disposed.
- G. Notice To Victim: The shelter master shall attempt to notify the victim of the dog bite of the results of impoundment. (Ord. 052200, 5-22-2000)

5-1-7: **ADOPTION; FEE:** The shelter master or animal control officer is authorized to place for adoption all animal, which have been impounded for a period of not less than seven (7) days, excluding weekends and holidays. Any person wishing to adopt an animal shall pay to the shelter master or animal control officer an adoption fee. (Ord. 052200, 5-22-2000)

5-1-8: **ADDITIONAL RESTRICTED AND PROHIBITED ACTS:**

- A. Dogs at Large: It shall be unlawful for any person to own, harbor or have in his/her control a dog, whether licensed or not, which dog is found at large upon the streets or alleys of the county, or in any public place in the county or within the incorporated city limits of any such city that has adopted the county ordinance, or upon any other premises without the consent of the person in possession of such premises. See Idaho Code § 25-2803-2804 and any amendments.
- B. Female Dogs in Heat: Each female dog, when in heat, shall be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a nuisance. The owner of a female dog in heat that is found to be at large more than once in one year shall, in addition to any criminal penalties, pay a civil fine which amount shall be as determined by resolution of the Board of County Commissioners.

- C. Unneutered Males at Large: The owner of an unneutered male that is found to be at large more than once in one year shall, in addition to any criminal penalties, pay a civil fine the amount of which shall be as determined by resolution of the Board of County Commissioners.
- D. 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 in accordance with Section 5-1-6 of this chapter.
- E. 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 section 5-1-2 of this chapter 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 section 5-1-5 of this chapter. 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 amendments.
- F. Cruelty and Inhumane Treatment Prohibited: Animal owners or caretakers are responsible for the proper care and treatment of animals. No owner, caretaker, or anyone else shall treat an animal with cruelty as defined in this Chapter. Any person who violates the provisions of this section is guilty of a misdemeanor.
- G. Possession of Impounded Dogs: No person shall have in his or her possession in the care, custody or control of any dog that has been impounded by the animal care and control officer or other official and has not been properly released by the animal care and control officer or other authorized agent or official following payment of all impoundment fees and costs.
- H. Concealing Animals: It is unlawful to conceal any animal for the purpose and with the intent to violate this chapter or to prevent or interfere or hinder the animal care and control officer or TCSO's enforcement of any part of this chapter.

5-1-9: **FINES, FEES AND PENALTIES:**

- A. Any person violating any of the provisions of this Chapter for which a fixed punishment has not been designated shall be deemed to have committed an infraction punishable in accordance with Idaho Code.
- B. The license fees are those fees set forth by resolution of the Teton County Board of Commissioners.
- C. Fines and fees are required to be paid even if the dog owner chooses not to reclaim the impounded animal from the animal shelter.
- D. Unless otherwise provided by resolution of the Teton County Board of Commissioners, the fines set forth in this section regarding maintenance and impounding of animals are as follows:
 - i) For keeping any dog, the shelter's daily rate.
 - ii) For veterinary expense, the actual cost thereof.
- E. Payment of all fines under this chapter are to be paid to the Teton County Clerk only and are subject to court costs.
- F. In the event that any fine is not paid within ten days it may be assessed with interest against any property owned or person so charged and collected as general taxes, or a complaint for an ordinance violation or failure to pay an ordinance fine may be filed in the magistrate division of the district court, and, upon conviction, the court may assess costs of collection and/or court costs in addition to the prescribed penalties.

CHAPTER 2

PARKING

SECTION:

- 5-2-1: Definitions
- 5-2-2: Prohibited
- 5-2-3: Exceptions
- 5-2-4: Penalty

5-2-1: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

HIGHWAY: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular traffic.

INFRACTION: A civil public offense which is not punishable by incarceration and for which there is no right to a trial by jury or right to court-appointed counsel and which is punishable by only a penalty not exceeding one hundred dollars (\$100.00) and no imprisonment.

PRIMA FACIE EVIDENCE: The fact that a motor vehicle which is illegally parked under this chapter is registered in the name of a person shall be considered prima facie evidence that such person was in control of the vehicle at the time of such parking.

ROADWAY: That portion of a public highway improved, designed or ordinarily used for vehicular traffic, exclusive of a sidewalk, berm or shoulder even though such a sidewalk, berm or shoulder is

used by persons riding bicycles or other human powered vehicles.

TRAILER: Every vehicle with or without motor power designed for carrying persons or property, and for being drawn by a motor vehicle.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks. (Ord. 93-3, 12-16-1993)

5-2-2: PROHIBITED: In the interest of providing for the public safety, snow removal, maintenance and free movement of traffic at all times, and promoting the health and property, and improving the comfort and convenience of the county and its inhabitants, it is hereby made unlawful, as follows:

- A. **Public Roadway Or Highway:** For any owner or operator to stop, park, or leave a vehicle or trailer, unattended, upon the public roadways and highways of the county.
- B. **Park And Ski Parking Area:** For any owner or operator to stop, park, or leave a vehicle or trailer, whether attended or unattended, in any designated park and ski parking area, without lawfully obtaining and properly displaying a park and ski parking permit sticker. (Ord. 93-3, 12-16-1993)

5-2-3: EXCEPTIONS:

- A. **Emergency Vehicles:** Authorized emergency vehicles operated by any fire department or law enforcement agency of the state, or any political subdivision thereof, or municipality within, and emergency vehicles or ambulances of any public utility or public service corporation.
- B. **Maintenance Vehicles:** Authorized maintenance vehicles operated by any agency or department of the state or any political subdivision thereof.
- C. **Disabled Vehicles:** This chapter shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it

is impossible to avoid stopping and temporarily leaving the vehicle trailer in such position. (Ord. 93-3, 12-16-1993)

5-2-4: **PENALTY:** Any person who shall violate this chapter shall be deemed guilty of an infraction and, upon conviction thereof, shall be subject to penalty as provided in section 1-4-1 of this code, plus towing. Citation shall be issued pursuant to the laws and court rules on infractions. (Ord. 93-3, 12-16-1993; amd. 2001 Code)

CHAPTER 3
WEIGHT LIMIT

SECTION:

- 5-3-1: Limitation Imposed
- 5-3-2: Penalty

5-3-1: **LIMITATION IMPOSED:** County roads that access Targhee National Forest are hereby closed to vehicles in excess of ninety thousand (90,000) pounds gross vehicle weight or more. (Ord. 100198, 10-1-1998; amd. 2001 Code)

5-3-2: **PENALTY:** Any person found to be in violation of this chapter shall be punishable as provided in section 1-4-1 of this code. (Ord. 100198, 10-1-1998; amd. 2001 Code)

CHAPTER 4

TETON COUNTY BURGLAR ALARM ORDINANCE

SECTION:

- 5-4-1: Purpose/Definitions
- 5-4-2: Requirement for Permit; Exceptions
- 5-4-3: Application for Permit; Requirements
- 5-4-4: Amendments to Permit Application
- 5-4-5: Term of Permit; Renewal
- 5-4-6: Permit Fees
- 5-4-7: Permits Nontransferable
- 5-4-8: Permits to be kept at Alarm Site
- 5-4-9: Duties of Permit Holder
- 5-4-10: Repair of Alarm System; Deactivation
- 5-4-11: Duty to Provide Access and Assistance
- 5-4-12: Requirement for Operation of Alarm Systems; Prohibitions
- 5-4-13: False Alarm; Exceptions
- 5-4-14: Fees for Teton County Response to False Alarm
- 5-4-15: When Permit May Be Revoked
- 5-4-16: Notice of Revocation or Denial; Hearing
- 5-4-17: Penalties for Violations
- 5-4-18: Policies and Procedures
- 5-4-19: Effective Date

Be it ordained by the Board of County Commissioners of Teton County, State of Idaho:

5-4-1: **PURPOSE/DEFINITIONS:**

A. In concert with the Sheriff's Office commitment to problem solving policing, the purpose of this Ordinance is to prevent false alarm activations that require the Sheriff's Office to respond. Deputies responding to false alarms are more wisely utilized preventing crime and solving crime problems. The vast majority of alarms are caused by improper use or defects in the systems, their installation or maintenance, rather than by criminal activity. Current information regarding the resident or business owner and his or her representative is vital to the safety of the deputies responding to alarms and a majority of the alarm users do not update this vital information without an annual permit renewal process.

B. The following word, terms and phrases, when used in these rules, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- ALARM DETAIL:** The person(s) designated and authorized by the Sheriff to administer these rules.
- ALARM SITE:** The specific property or area of the premises on or within which an alarm system is installed or placed.
- ALARM SYSTEM:** Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity, but does not include mobile alarms or fire alarms.
- ALARM SYSTEM BUSINESS OR ALARM COMPANY:** Any person who sells, installs, services, monitors, or responds to systems.
- APPLICANT:** The person, or an agent or employee acting on behalf of such person, for whom a permit is sought.
- AUTOMATIC DIALING DEVICE:** Any device connected to an alarm system which automatically sends a pre-recorded message or coded signal to a pre-determined location indicating activation of the alarm system.
- BURGLAR ALARM:** Any alarm system intended to prevent or detect an unauthorized entry or attempt thereof into the alarm site.
- COUNTY LAW ENFORCEMENT OFFICIAL:** Any certified Idaho peace officer.
- DISCONNECT:** To render an alarm system disabled.
- FALSE ALARM:** An alarm signal received by a County law enforcement official that is later determined not to involve a criminal offense, attempted criminal offense, or other emergency.
- HOLD-UP ALARM:** Any alarm system which when activated by human action gives notification of robbery or attempt thereof.
- PERMIT:** A certificate of authorization issued to an applicant authorizing operation of the alarm system for an alarm site which the permit is issued.
- PERMIT HOLDER:** The person to whom an alarm system permit is issued.
- PERSON:** Includes an individual or an organization.

SHERIFF: The Sheriff of Teton County and any employee(s) of the Sheriff's Office assigned by the Sheriff or his designate to perform the duties prescribed by these rules.

SHERIFF'S OFFICE: The Teton County Sheriff's Office, an elected office of Teton County.

VARIABLE TONE AUDIBLE DEVICE: Means any audible device capable of emitting sound that is similar to an emergency vehicle siren or civil defense warning system. It shall not include an audible device that emits a steady-tone and/or a steady-tone which turns on and off, or a bell.

THIRTY-MINUTE SHUTOFF: An automatic device associated with an alarm system which automatically causes the audible and/or visual indication of the alarm to shut off and discontinue the emission of a signal after a period not to exceed thirty (30) minutes of continuous operation. (04 09, 2010)

5-4-2: **REQUIREMENT FOR PERMIT; EXCEPTIONS**

A. Any alarm system maintained, operated, used, or attempted to be used in violation of this ordinance shall be deemed a public nuisance alarm. No person shall operate, cause to be operated, or allow the operation of an alarm system unless a valid permit has been issued by the Sheriff for that alarm system. Any person who operates, causes to be operated, or allows the operation of an alarm system without a valid permit may be subject to criminal prosecution, imposition of fines, response fees and/or other costs.

B. This chapter does not apply to:

(1) emergency response systems managed by any State or County agency; or

(2) alarm systems installed to:

(a) a motor vehicle;

(b) premises occupied by Teton County, Idaho

C. Upon receipt of notification from an alarm system business, as authorized by these rules, a response made by a County law enforcement official shall be subject to any applicable policies and procedures of the Sheriff's Office governing response priorities. Neither Teton County, the Sheriff, the Teton County Sheriff's Office, nor any other law enforcement agency of Teton County has any duty or

obligation to respond to a notification of activation of an alarm system for which no valid permit exists.

D. An applicant is required to apply for a permit for an alarm system installed or to be installed on so much of the premises to which the person to whom a permit is to be issued has legal rights of ownership or possession. If a business or residence has one or more Alarm Systems protecting two or more separate structures having different addresses, a separate Alarm Permit will be required for each structure.

E. The issuance of a permit authorizing the use of an alarm system is not intended to nor shall it create a contract, either express or implied, creating a duty or guarantee of response from the Sheriff, the Teton County Sheriff's Office, Teton County, or any other agency of Teton County.

F. When applicant tenders a completed application, it will be considered timely filed subject to these rules on the date the applicant either files a completed application in person or the postmark date when a completed application is deposited with the U.S. Postal Service. (04 09, 2010)

5-4-3: **APPLICATION FOR PERMIT; REQUIREMENTS**

A. Application for a permit authorizing the operation of an alarm system shall be made by a person who owns, leases, uses, resides at, or manages the property upon which the alarm system is installed. Such application shall be made in writing to the Alarm Detail on a form designated for that purpose. On such application shall be set forth:

- (1) The name, address, telephone number(s), date of birth and driver's license number of the permit applicant or intended permit holder;
- (2) The street address of the property on which the alarm system is to be installed and operated, including the particular suite or apartment number(s) if applicable;
- (3) Any business or assumed name used for the premises on which the alarm system is to be installed and operated;
- (4) The name of the alarm system business that has installed or will install the alarm system.
- (5) Other information as may be reasonably required by the Sheriff.
- (6) A representation that all outstanding fees, fines or other charges relating to these Rules owed to Teton County have been paid or satisfied.

(7) The information furnished and secured pursuant to this ordinance shall, to the extent permitted by law, be confidential and shall not be subject to public inspection. It is hereby declared that this information is critical to the safety and security of the alarm user and law enforcement personnel and that the public interest by not disclosing said information to the public clearly outweighs the public interest served by disclosing said information.

B. Such application shall be signed by the person making the application for the permit, acknowledging that he has read the application, affirming the correctness and accuracy of the information given to the application, authorizing the release to the Sheriff of the information required hereunder, and, if such person making the application will not be the permit holder, certifying that he is authorized to act for the intended permit holder.

C. Such application shall state the conditions for revocation or suspension of the permit and the response fees, and shall include by reference these rules, referred to as the Teton County Burglar Alarm Ordinance, or as it may subsequently be otherwise entitled.

D. The Sheriff shall issue a permit upon submission of an application therefore in accordance with these rules, unless the Sheriff finds, that:

(1) Any statement made in the application was incomplete, misleading or false;

(2) The applicant or the intended permit holder has not paid all outstanding fines, or costs previously imposed as a consequence of any violation of these rules.

(3) The alarm site was previously non-permitted while under the control of the applicant or the intended permit holder and outstanding fines, fees, or costs are still owed by the applicant or intended permit holder.

E. If the Sheriff denies the application for a permit, he shall cause to be mailed a notice of denial to the applicant or intended permit holder at the address set out in the application and shall furnish a copy thereof to be retained by the Alarm Detail. The notice shall state the reasons for the denial and shall inform the applicant or intended permit holder that he may reapply for a permit upon resolution or correction of the condition(s) that caused such denial. (04 09, 2010)

5-4-4: AMENDMENTS TO PERMIT APPLICATION

Whenever a person listed on the application or listed on an amendment to the application is unable or unwilling to perform the duties herein, the permit holder shall file an amendment to the permit application listing a person or company who is able and will perform those duties. So that at all times the application on file with the Sheriff's Alarm Detail designates at least two (2) persons or an alarm system business who are able and willing to perform such duties. Changes in emergency telephone numbers shall be kept current by the Alarm User and the Alarm Company and failure of either to provide current information to the Sheriff's Office shall constitute grounds for revocation or suspension of the Alarm Permit. All Alarm Companies and Alarm Users must notify the Sheriff's Office in writing of cancellation of service or change of information concerning the Alarm Users. Alarm Companies shall not be held responsible for violation of this section if they have not been notified by the Alarm User. (04 09, 2010)

5-4-5: TERM OF PERMIT; RENEWAL

A. Each permit issued pursuant to these rules shall be valid for one (1) year from the date of issuance as stated on the permit. If the permit holder relinquishes control of the alarm site before the expiration of one year, the permit shall expire on the date of such relinquishment.

B. The Sheriff shall give the permit holder a least thirty (30) days notice of the expiration date and the need for timely renewal; provided, however, that such notice or lack thereof for whatever reason shall not relieve the permit holder of his duty to renew such permit as provided hereunder. On or before the expiration of the permit, the permit holder shall submit to the Alarm Detail a renewal application. If any fees, or costs remain owed to Teton County that are beyond thirty (30) days in arrears pursuant to these rules, the Sheriff may deny the renewal application until such time that all fines, fees or costs have been paid. (04 09, 2010)

5-4-6: PERMIT FEES

New permit fees and renewal permit fees are as set forth by the Teton County Board of County Commissioners. (04 09, 2010)

5-4-7: PERMITS NONTRANSFERABLE

Each permit issued shall be valid only for the alarm site permitted and is not transferable to another person or other alarm site. Upon transfer from the permit holder of ownership or leasehold rights to the alarm site, a new permit must be applied for in accordance with these rules. (04 09, 2010)

5-4-8: **PERMITS TO BE KEPT AT ALARM SITE**

The permit holder shall keep the permit at the alarm site and shall produce such permit for inspection upon the request of any County law enforcement official. (04 09, 2010)

5-4-9: **DUTIES OF PERMIT HOLDER**

A. The permit holder shall ensure that he or any person listed with the Alarm Detail under Sections 3 and 4 is able to:

(1) receive notification at any time;

(2) come to the alarm site within one (1) hour after receiving a request from a County law enforcement official to do so, or immediately upon the receipt of the request from the County law enforcement official, advise the official when the estimated time the permit holder will arrive at the alarm site; and,

(3) grant access to the alarm site and deactivate the alarm system if necessary.

B. The permit holder shall additionally ensure that all persons authorized to activate or deactivate the alarm system are trained in the proper operation of the alarm system.

C. The permit holder is responsible for all fines, fees, or costs associated with the permit and operation of the alarm system. (04 09, 2010)

5-4-10: **REPAIR OF ALARM SYSTEM; DEACTIVATION**

A. Upon receipt of notification from the Alarm Detail that an alarm system has malfunctioned and has caused four (4) or more false alarms within the current permitted term, the permit holder may be subject to a period of non-response as described in Section XIV.

B. Upon receipt of notification from the Alarm Detail that an alarm system has malfunctioned and has caused four (4) or more false alarms within the current permitted term, the permit holder shall have such system repaired within seventy-two (72) hours, and then provide evidence that the system has been repaired; or the permit holder may cause such system to be deactivated rather than having the system repaired. In such event, the system shall not be reactivated until it has been repaired and the Alarm Detail has been provided evidence reflecting same. (04 09, 2010)

5-4-11: **DUTY TO PROVIDE ACCESS AND ASSISTANCE**

Upon receipt of notification from a County law enforcement official that an alarm system has been activated, any person who has been designated by the permit holder to do so, shall come to such site within one (1) hour after receiving a request from a County law enforcement official to do so, or immediately upon receipt of the request from the County law enforcement official, advise the official when the estimated time the permit holder will arrive at the alarm site in order to provide any necessary access or assistance. (04 09, 2010)

5-4-12: **REQUIREMENTS FOR OPERATION OF ALARM SYSTEMS; PROHIBITIONS**

No person shall operate, cause to be operated, or permit to be operated any alarm system unless the following requirements are met:

(1) Any alarm system which may be activated as a result of different types of emergency situations shall give a unique alarm signal, if so equipped, that is to designate activation as a result of a hold-up, a burglary, or any other type of emergency situation so that the proper notification and proper response can be made;

(2) Any alarm system designed to emit an audible signal to be heard from the exterior of the alarm site, located 500 feet of a public roadway, shall have a thirty (30) minute shutoff from the time of activation and must not sound similar to that of a variable tone audible device. Exception: Alarm systems installed prior to these regulations becoming effective shall have until January 1, 2011 to comply with this subsection.

(3) no hold-up alarm shall include a money clip, pressure pad, or similar device which can cause activation inadvertently; and any hold-up alarm shall be designed so that it may be activated only by intentional and deliberate human action;

(4) No person shall use or permit the use of any telephone device or telephone attachment which automatically selects any telephone line or number assigned to any governmental agency of Teton County, Idaho and then transmits a prerecorded message or signal;

(5) The Sheriff may set reasonable standards and procedures to be followed by an alarm system business when giving notice to a law enforcement agency of activation of an alarm system. Such standards and procedures shall be set out in writing and made available to any person requesting same for a reasonable reproduction fee. (04 09, 2010)

5-4-13: **FALSE ALARMS; EXCEPTIONS**

No person shall intentionally or knowingly activate an alarm system for any purpose other than an emergency or threat of emergency of the kind for which the alarm system was designed to give notice; provided, however, it shall be a defense to prosecution under this subsection that the alarm system was activated solely for the purpose of testing the alarm system and the person who tested the alarm system took reasonable precautions to avoid any request for response being made to a Teton County law enforcement agency. (04 09, 2010)

5-4-14: **FEES FOR TETON COUNTY RESPONSE TO FALSE ALARM**

A. False alarms shall incur a service fee, calculated per calendar year, payable to the County in an amount set by resolution of the Teton County Board of Commissioners.

B. A service fee invoice shall be mailed to the alarm user within thirty (30) days of the false alarm. The service fee is due and owing not later than thirty (30) days after the date of mailing the invoice. The date of mailing shall appear on the invoice. Fees received after the due date shall be subject to a late fee of twenty-five dollars (\$25.00). Fees received more than sixty (60) days after the due date shall be subject to an additional twenty-five dollars (\$25.00) late fee and this shall be a continuing charge every 30 days until paid.

C. In addition to any other action that may be taken by the Sheriff pursuant to this Chapter, the Sheriff may discontinue responding to an alarm at any location if the Sheriff has responded to four (4) or more false alarms at the location during any calendar year. The period of non-response shall be determined by the Sheriff, but shall not exceed six months. It shall apply to permit holders as well as persons who are unlawfully operating an alarm system without a permit or with a permit that has been suspended. The Sheriff may shorten the period of non-response imposed upon receipt of satisfactory evidence that the problem creating the false alarms has been corrected. In addition, the Sheriff may discontinue response in the event that any false alarm service fee or fees remain unpaid sixty (60) days after invoice, until such time as such fees are paid, plus an additional five (5) business days in order to allow sufficient time to process payments.

D. Any person may appeal the assessment of a false alarm service fee by filing a notice of appeal with the Sheriff within fifteen (15) days of the mailing of the service fee invoice. The notice of appeal shall state all reasons why the appealing party believes that the fee was improperly assessed and shall be

accompanied by any documentary evidence that the appealing party wishes to be considered. The appeal and all documentation shall be reviewed by the Sheriff or the Sheriff's designee. The decision of the Sheriff or the Sheriff's designee shall be final. In the event that it is determined that the false alarm fee was improperly assessed, the fee shall be canceled. (04 09, 2010)

5-4-15: WHEN PERMIT MAY BE REVOKED

An alarm system permit may be revoked upon the occurrence of one or more of the following:

- (1) The permit holder has failed to make payment in full to Teton County for any fees assessed within sixty (60) days of the date the Sheriff has mailed a notice to the permit holder that such fees are due and owing.
- (2) The permit holder accrues six (6) or more false alarms during the term of the permit.
- (3) A violation of any of the provisions of this ordinance. (04 09, 2010)

5-4-16: NOTICE OF REVOCATION OR DENIAL; HEARING

A. If an application for a permit is denied or a permit is revoked the Sheriff shall serve on the applicant or permittee a written notice of the Sheriff's proposed action including the right to a hearing on the matter. Service shall be by mail to the applicant's or permittee's last known address. Service shall be considered complete five (5) calendar days after such mailing. The applicant or permittee may, within ten (10) business days after service of the Sheriff's notification, file a request for hearing. Such request shall be in writing and mailed or deposited with the Sheriff at 89 North Main Street, Driggs, ID 83422, and shall be accompanied by a filing fee in an amount set by resolution of the Teton County Board of Commissioners to cover the cost of processing the appeal. If no request for hearing is filed within the time and in the manner prescribed above, the right to a hearing on the proposed denial or revocation shall be deemed to have been waived and the Sheriff may proceed to deny or revoke the permit according to the terms of the original notice of proposed action.

B. Upon receiving a written request for a hearing, the Sheriff shall serve on the applicant or permittee by first class mail, a notice of the time and place of hearing. Service shall be made at least ten (10) calendar days prior to the date set for hearing.

C. Upon the receipt of a written request for a hearing, in the case of a revocation, the Sheriff shall take no further action until a hearing has been held and the Sheriff has the written decision of the hearing officer.

D. The hearing shall be conducted by an individual who is designated by a County Commissioner. The individual may be an employee of the County who is not assigned to the Sheriff's Department or otherwise subordinate to the Sheriff, or an individual who is not an employee, retained pursuant to a contract to provide such services.

E. In the event of a request for a hearing by the applicant or permittee, pursuant to the provisions of this chapter, a hearing shall be conducted by the hearing officer. All hearings are intended to be conducted in an informal manner. The Sheriff shall carry the burden of proof that grounds exist for denial or revocation. The applicant or permittee may appear, present evidence and examine and cross-examine witnesses. In the event the applicant or permittee fails to appear at the time, date and place appointed for the hearing, the hearing shall be conducted in the absence of the applicant or permittee and the hearing officer shall render a decision based upon evidence presented during the hearing.

F. At the conclusion of the hearing, the hearing officer shall issue a written decision. In the case of a permit revocation, the decision shall determine the length of the revocation. The decision of the hearing officer shall be final as to all parties unless an appeal is made to a court of competent jurisdiction within ten (10) days of the decision made by the hearing officer. (04 09, 2010)

5-4-17: PENALTIES FOR VIOLATIONS

A person who violates any provision of these rules commits a misdemeanor and, upon conviction thereof, may be punished by a fine and/or imprisonment and imposition of any applicable response fee(s) and costs incident to such violation. (04 09, 2010)

5-4-18: POLICIES AND PROCEDURES

The Sheriff may from time to time promulgate and institute policies and procedures necessary to implement and enforce these rules. (04 09, 2010)

5-4-19: EFFECTIVE DATE

These rules shall be effective as of April 9, 2009. Any user who fails to obtain a permit within 180 days from the effective date of this ordinance shall be charged \$100.00 in addition to any other fees provided herein. (04 09, 2010)