

Disclaimer:

This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

ORDINANCE NO. 1535

AN ORDINANCE OF THE CITY OF MOUNTAIN HOME, IDAHO, REPEALING CHAPTER 6, TITLE 6 OF THE CITY CODE OF MOUNTAIN HOME, IDAHO, THE CITY'S ANIMAL CONTROL ORDINANCE, AND ENACTING A NEW CHAPTER 6, TITLE 6 DEALING WITH ANIMAL CONTROL; ENACTING A NEW SECTION 6-1-1 DEFINING TERMS; ENACTING A NEW SECTION 6-1-2 STATING THE PURPOSE OF THE NEW ANIMAL CONTROL ORDINANCE; ENACTING A NEW SECTION 6-6-3 CONCERNING ANIMAL CONTROL OFFICERS, THEIR AUTHORITY AND THEIR DUTIES; ENACTING A NEW SECTION 6-6-4 CONCERNING LICENSES FOR ANIMALS, RESIDENTIAL KENNEL LICENSES, COMMERCIAL KENNEL LICENSES, FEES AND PENALTIES, AND VACCINATIONS OF ANIMALS; ENACTING A NEW SECTION 6-6-5 PROVIDING WHEN ANIMALS MAY BE IMPOUNDED, THE REDEMPTION OF IMPOUNDED ANIMALS, ADOPTIONS AND FEES; ENACTING A NEW SECTION 6-6-6 PROHIBITING THE FREEING OF IMPOUNDED ANIMALS; ENACTING A NEW SECTION 6-6-7 CONCERNING ANIMAL BITES AND RABIES CONTROL; ENACTING A NEW SECTION 6-6-8 CONCERNING VICIOUS ANIMALS; ENACTING A NEW SECTION 6-6-9 MAKING IT UNLAWFUL TO COMMAND AN ANIMAL TO ATTACK; ENACTING A NEW SECTION 6-6-10 MAKING ANIMAL CRUELTY UNLAWFUL; ENACTING A NEW SECTION 6-6-11 MAKING IT UNLAWFUL FOR ANY PERSON TO ATTEND ANY GAME, EXHIBITION, CONTEST OR FIGHT IN WHICH FIGHTING, KILLING, MAIMING OR INJURING OF ANIMALS IS A SIGNIFICANT FEATURE; ENACTING A NEW SECTION 6-6-12 DESCRIBING AND DEFINING ANIMAL NUISANCES AND MAKING THEM UNLAWFUL; ENACTING A NEW SECTION 6-6-13 MAKING IT UNLAWFUL FOR THE OWNER OR RESPONSIBLE PARTY OF ANY ANIMAL TO ALLOW IT TO RUN AT LARGE WITHIN THE CITY; ENACTING A NEW SECTION 6-6-14 MAKING IT UNLAWFUL FOR THE OWNER OR RESPONSIBLE PARTY OF ANY ANIMAL TO ALLOW IT TO REMAIN IN ANY CITY PARK THAT HAS BEEN POSTED "NO ANIMALS ALLOWED"; ENACTING A NEW SECTION 6-6-15 MAKING IT UNLAWFUL FOR THE OWNER OR RESPONSIBLE PARTY TO ALLOW THEIR ANIMAL TO DEFECATE AND TO ALLOW THE FECES TO REMAIN UPON ANY PUBLIC PARK, SIDEWALK, ROADWAY, OR ANY OTHER PRIVATE OR PUBLIC PROPERTY NOT OWNED OR POSSESSED BY THE OWNER OR RESPONSIBLE PARTY, WITH AN EXCEPTION FOR SERVICE ANIMALS; ENACTING A NEW SECTION 6-6-16 PROVIDING THAT ANIMAL CONTROL OFFICERS MAY TURN OVER ANY STRAY OR ABANDONED ANIMAL THAT IS IN PAIN TO A LICENSED VETERINARIAN WHERE THE COST OR TREATMENT SHALL BE BORNE BY THE OWNER, RESPONSIBLE PARTY, OR BY THE CITY AND PERMITTING THE EUTHANIZATION OF THE ANIMAL IF IT APPEARS TO BE DISEASED OR SEVERELY DISABLED, OR IF TREATMENT WOULD BE PROHIBITIVELY EXPENSIVE; ENACTING A NEW SECTION 6-6-17 PROHIBITING CERTAIN ANIMALS, LIVESTOCK AND POULTRY WITHIN THE CITY UNLESS THEY WERE KEPT IN THE CITY PRIOR TO THE 4TH DAY OF NOVEMBER, 2009, AND PROHIBITING THE KEEPING OF

CERTAIN WILD AND EXOTIC ANIMALS WITHIN THE CITY; ENACTING A NEW SECTION 6-6-18 REQUIRING THE ANIMAL CONTROL OFFICER TO KEEP CERTAIN ANIMAL CONTROL RECORDS; ENACTING A NEW SECTION 6-6-19 PROVIDING THAT IF ANY PROVISION OF THIS CHAPTER IS HELD INVALID, THE VALIDITY OF THE REMAINDER OF THIS CHAPTER SHALL NOT BE AFFECTED THEREBY; ENACTING A NEW SECTION 6-6-20 PROVIDING THAT ANY PERSON CONVICTED OF A VIOLATION OF ANY SECTION OR PROVISION OF THIS CHAPTER DEEMED A MISDEMEANOR MAY BE FINED IN A SUM NOT TO EXCEED ONE THOUSAND DOLLARS (\$1,000.00) AND/OR UP TO SIX (6) MONTHS IN JAIL OR BOTH SUCH FINE AND IMPRISONMENT AND PROVIDING THAT WHEN THE OFFENSE IS DESIGNATED AS AN INFRACTION BY ANY SECTION OR PROVISION OF THIS CHAPTER OR BY STATE LAW, IT IS PUNISHABLE ONLY BY A PENALTY NOT EXCEEDING ONE HUNDRED DOLLARS (\$100.00) PLUS COURT COSTS; ENACTING A NEW SECTION 6-6-21 PROVIDING THAT IF THIS ORDINANCE CONFLICTS WITH STATE LAWS THAT STATE LAWS SHALL SUPERSEDE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MOUNTAIN HOME, IDAHO, as follows:

Section 1: That Chapter 6, Title 6 of the City Code of Mountain Home, Idaho, be and the same is repealed in its entirety.

Section 2: That a new Chapter 6, Title 6 of the City Code of Mountain Home, Idaho, is hereby enacted to provide as follows:

6-6-1 : DEFINITIONS:

The following definitions apply to this Chapter:

- A. ABANDON: To completely forsake and desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance, and shelter.
- B. ANIMAL: A live mammal, bird, reptile, fish or amphibian.
- C. ANIMAL CONTROL OFFICER (ACO): Any person(s) employed by the City to administer and enforce the provisions of this Chapter or any state laws or regulations relating to animal control.
- D. ANIMAL CONTROL SUPERINTENDANT: The lead animal control officer tasked with management of animal shelter operations and personnel.

- E. ANIMAL NUISANCE: Any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of an animal.
- F. ANIMAL SHELTER: Any premises designated by the City for the purpose of impounding and caring for animals held under the authority of this Chapter.
- G. AT LARGE: Any animal that is off the premises of the owner and not secured by leash or in a motor vehicle.
- H. BITE: Any contact by an animal's teeth that breaks the skin of a person.
- I. COMMERCIAL KENNEL: Any premises where five (5) or more dogs or cats or any combination thereof over the age of six (6) months are kept, for boarding, breeding, training or selling, etc.
- J. CRUELTY: The malicious, intentional and needless infliction of pain, physical suffering, injury or death to an animal; to maliciously kill, maim, wound, torment or mutilate an animal; the failure to provide necessary sustenance, water or shelter for an animal; the failure to provide a sanitary and adequate living environment for an animal; or to abandon an animal.
- K. DESTROY: To humanely euthanize an animal in keeping with State standards.
- L. IMPOUND: The taking into custody of an animal by any Police Officer, Animal Control Officer, or any authorized representative thereof, and confined in a humane manner.
- M. LIVESTOCK: To include but not limited to cattle, sheep, horses, goats, pigs, llamas, donkeys, burros or mules, or any other similar animals.
- N. OWNER/RESPONSIBLE PARTY: Any person or persons keeping, harboring, possessing, caring for, or having any custodial duties over any animal.
- O. POLICE OFFICER: An officer, certified by Idaho Police Officer Standards and Training Council, to enforce the laws of the state of Idaho and ordinances of the City of Mountain Home.

- P. POULTRY: Any domesticated birds which serve as a source of food, either meat or eggs, including but not limited to, chickens, ducks, geese, turkeys, guinea fowl and pheasants.
- Q. QUARANTINE: To isolate a dog or cat in a controlled environment away from contact with animals or humans in an effort to assess the behavior and overall health of the animal. Normally is utilized for rabies observation and/or control.
- R. RESIDENTIAL KENNEL: Any premises where five (5) or more dogs or cats or any combination thereof over the age of six (6) months are kept as pets.
- S. SECURE ENCLOSURE: An enclosure from which an animal cannot escape and for which exit and entry is controlled by the owner of the premises or owner of the animal.
- T. SERVICE ANIMAL: Any guide dog, signal dog, or other animal that is individually trained and certified to do work or perform tasks for the benefit of an individual with a disability, including, but not limited, to guiding people with impaired vision, alerting people with impaired hearing to intruders or sounds.
- U. VICIOUS ANIMAL: Any animal which, when not physically provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing.
- V. WILD OR EXOTIC ANIMAL: Any non-domesticated animal or any animal that is not indigenous to Idaho, which is not otherwise authorized by this Chapter.

6-6-2 : PURPOSE:

The purpose of this Chapter is to serve City residents in a timely, professional, and competent manner while enforcing animal control ordinances and state laws. It is also the mission of the Animal Shelter to build healthy relationships between people and animals by advocating for the humane treatment of animals; delineating animal owner's responsibility for the acts and behavior of their animal at all times; enforcing animal-related laws and safeguarding residents

from animal annoyance, intimidation, injury and health hazards; and encouraging and promoting responsible pet ownership.

6-6-3 : ANIMAL CONTROL OFFICER AND DUTIES:

The provisions of this Chapter may be enforced by the police officers and ACO's of the City specifically designated by the Chief of Police. These enforcement officials shall have the authority to act on behalf of the City, including, but not limited to, the authority to investigate complaints, impound and destroy animals, and to take any other lawful action required to enforce the provisions of this Chapter or any state laws or regulations relating to animal control. A police officer or an ACO so designated by the Chief of Police shall have the authority to issue citations on an Idaho uniform citation form pursuant to the Idaho Misdemeanor Criminal Rules and the Idaho Infraction Rules for the violation(s) of animal control laws, and rules and regulations within the City. It shall be a violation of this Chapter to interfere with, or give any false or misleading information to, any police officer or ACO in the performance of his or her duties.

6-6-4 : LICENSES AND VACCINATIONS:

1. Animal Licenses: It shall be unlawful for any person to keep any unlicensed dog or cat over six (6) months of age within the City limits.
 - A. The owner or responsible party shall provide the owner's name and address, the name, breed, color, age, sex of the dog or cat, and proof of whether or not the dog or cat has been neutered or spayed.
 - B. A veterinarian's certificate documenting the current rabies immunization of said dog or cat is required to be presented at the time of application, along with the required licensing fee.
 - C. A numbered receipt and numbered metallic tag shall be issued to the owner as proof of licensing. The license tag shall be securely fastened to the dog or cat's collar or harness and worn by the dog or cat at all times.
 - D. All licenses are non-transferable from animal to animal and it shall be unlawful for any person to use any dog or cat license issued for another dog or cat.
 - E. All license fees are non-refundable.

2. Residential Kennel Licenses: It shall be unlawful to keep five (5) or more dogs, six (6) months or older, five (5) or more cats, six (6) months or older, or any combination thereof, per household without a kennel license. **No residential kennel license shall be permitted or granted for a multiple-family dwelling unit.**

Commercial Kennel Licenses: It shall be unlawful to keep five (5) or more dogs, six (6) months or older, five (5) or more cats, six (6) months or older, or any combination thereof, per household for boarding, breeding, training or selling, etc. without a commercial kennel license. **No commercial kennel license shall be permitted or granted for a multiple-family dwelling unit.**

A. Individuals wishing to obtain a Residential Kennel License or a Commercial Kennel License must follow the Conditional Use Permit procedures contained in Title 9 of the City Code.

B. In addition to the procedures contained in Chapter 9, the following is also required:

1. Complete the application for a kennel license on the current City of Mountain Home Application for City License form.

2. A current veterinarian certificate documenting rabies immunization of said dogs and/or cats is required to be presented at the time of application, along with the required licensing fees.

3. A numbered receipt and numbered metallic tag shall be issued to the owner for each animal as proof of licensing. The license tag shall be securely fastened to the dog or cat's collar or harness and worn by the dog or cat at all times.

C. All kennel licenses and license fees are non-transferable from animal to animal and owner to owner.

D. All kennel license fees are non-refundable.

3. Fees and Penalties:

A. The annual license fee shall be ten dollars (\$10.00) for each neutered or spayed dog and twenty dollars (\$20.00) for each un-neutered or un-spayed dog.

B. The annual license fee shall be five dollars (\$5.00) for each neutered or spayed cat and ten dollars (\$10.00) for each un-neutered or un-spayed cat.

- C. In the event that a duplicate license tag is needed or required, a replacement fee of five dollars (\$5.00) shall be assessed.
- D. If there is a change of ownership of a dog or cat during the license year, a transfer fee of five dollars (\$5.00) shall be assessed. This provision also applies to lifetime licenses.
- E. The Residential Kennel License fee shall be one hundred dollars (\$100.00).
- F. The Commercial Kennel License fee shall be one hundred fifty dollars (\$150.00).
- G. Individual lifetime licenses are available for one hundred dollars (\$100.00) per neutered and spayed animal and shall never expire so long as the owner provides proof of current rabies vaccinations as required in this Chapter and contact information annually. Animals not neutered or spayed are not eligible to receive a lifetime license. Failure to comply with the requirements will result in the revocation of the license. This license is transferrable with the transfer or change of ownership of the animal.

4. Licensing Period: All licenses shall be issued for one year commencing January 1 and expiring December 31. Applications for licenses may be made not more than thirty (30) days prior to the start of the licensing year, and may be made for thirty (30) days after the start of the licensing year without penalty, but when applications for licenses are made more than thirty (30) days after the commencement of the licensing year, the applicant shall be assessed a penalty of fifty percent (50%) of the license fee, which amount shall be added to and collected with the regular license fee; provided, if the dog, cat, or kennel did not become subject to licensing until after the start of the licensing year, then no penalty shall be assessed within thirty (30) days after the dog, cat, or kennel became subject to such license.

5. Exceptions:

- A. The licensing and vaccination requirements of this Chapter shall not apply to any dog or cat belonging to a nonresident of the City or kept within City limits for less than ninety (90) days. All nonresident dogs and cats must be kept on a leash, within a building, vehicle, fenced yard or secure enclosure during the duration of the stay in the City.
- B. The licensing and vaccinations requirements of this Chapter shall apply to any service animal that has been properly trained and is acting in that capacity, however, all such animals shall be licensed without a fee upon a proper showing that such animal is a service animal.

6. Violations of this section shall be an infraction, however, individuals charged with a third and/or subsequent violation(s) shall be charged with a misdemeanor.

6-6-5 : IMPOUNDMENT, REDEMPTION, ADOPTION AND FEES:

1. Impoundment: Any animal may be impounded at any time if found in violation of any of the following:

- A. Running at large.
- B. In violation of a quarantine order.
- C. Suspected of being abused, neglected or abandoned.
- D. Suspected of having or been exposed to rabies.
- E. If a vicious animal kept in violation of Section 6-6-8.

2. Redemption:

- A. The owner or responsible party shall be entitled to regain possession of the animal(s) upon payment of the appropriate impoundment fee, provided however, that the owner of any dog or cat must first comply with the license requirements of this Chapter before the animal will be released if said animal is unlicensed. ACO's reserve the right to ask for satisfactory proof of ownership before releasing the animal.
- B. Regardless of whether the animal is returned to its owner or impounded, ACO's may issue a citation to the owner for any violation(s).
- C. Any animal not claimed by its owner within five (5) business days will become the property of the City. Where ownership can be determined, in lieu of impoundment, ACO's may return the animal to the owner.

3. Adoption: Any animal not claimed after five (5) business days may be placed up for adoption or humanely euthanized at the discretion of the ACO. Any animal placed for adoption, but which is not adopted within a reasonable time may be humanely euthanized at the discretion of the ACO. Any animal adopted from the Animal Shelter must be spayed or neutered within sixty (60) days unless approved by ACO's based upon veterinarian availability and/or age of the animal.

4. Owner Turn-Ins: At the discretion of the animal control superintendent, or his or her designee, owners may surrender their animals to the custody of the Animal Shelter for possible

adoption. All owners shall complete an information sheet and sign the form stating that they are relinquishing all legal rights of the animal to the City Animal Shelter. These animals are subject to the same guidelines as impounded animals.

5. Fees:

A. An impounded animal may be adopted for thirty dollars (\$30.00) or two (2) animals for fifty dollars (\$50.00). Senior citizens (55 and over) may adopt animals at half the regular adoption rate.

B. Impounded animals may be reclaimed upon payment of corresponding impound fees:

1. First violation within a twelve (12) month period \$25.00.
2. Second violation within a twelve (12) month period \$50.00.
3. Third violation within a twelve (12) month period \$75.00.
4. Fourth and/or subsequent violation(s) within a twelve (12) month period \$100.00.

C. In addition to such fees, a ten dollar (\$10.00) daily fee shall be assessed beginning the second day of impoundment.

D. Isolation care of any animal is twenty-five dollars (\$25.00) per day.

E. To facilitate adoption, in lieu of euthanasia, the animal control superintendent may reduce or waive the adoption fee.

6-6-6 : FREEING IMPOUNDED ANIMALS PROHIBITED:

It shall be unlawful for any person to release or attempt to release any animal from Animal Shelter custody without proper authorization. Violations of this section shall be a misdemeanor.

6-6-7 : ANIMAL BITES AND RABIES CONTROL:

1. It shall be the duty of every physician, or other medical practitioner, to report to the ACO's or police the name and address of person(s) treated for bites inflicted by animals,

together with such other information as will be helpful in rabies control.

2. When an animal bite is reported to animal control or the police, the animal shall be securely quarantined at the direction of the ACO or police for a period of ten (10) days, and shall not be released from such quarantine except by permission of the ACO's or the police. At the discretion of the ACO or police, such quarantine may be on the premises of the owner, at the City Animal Shelter, or at the owner's option and expense, in a veterinary hospital of their choice. ACO's or the police officer shall be responsible for completing the Animal Bite Investigation Form. The owner or responsible party shall be required to sign the form acknowledging receipt of the quarantine notice. If the report is being made to the police, the Animal Bite Investigation Form and all investigative information shall be forwarded to the ACO for required record keeping. A copy of the Animal Bite Investigation Form shall then be forwarded to the Central District Health Department.

3. The owner, upon demand made by ACO's or the police, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for quarantine, supervised by a veterinarian, which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees set forth in Section 6-6-5 and upon compliance of licensing provisions set forth in Section 6-6-4.

4. When an animal under quarantine has been diagnosed as being rabid or suspected by a licensed veterinarian as being rabid and dies while under such observation, ACO's shall immediately send the head of such animal to the State Department of Health and Welfare for pathological examination, and shall notify the Central District Health office of reports of human contacts, and the diagnosis made of the suspected animal.

5. When one or both reports have given a positive diagnosis of rabies in an animal, ACO's or the police may recommend to the Chief of Police a City-wide quarantine for a period of thirty (30) days, and upon the invoking of such quarantine, no animal shall be taken into the streets, or permitted to be in the streets, during such period of quarantine. During such period of quarantine, any animal found on the streets or roaming at large shall be placed in the City Animal Shelter. If such animal is unlicensed or is of unknown ownership, it shall be held for a period of forty eight (48) hours, after which it shall be destroyed.

6. During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner's option and expense, shall be treated for rabies infection by a licensed veterinarian, or held under ten (10) days' quarantine by the owner in the same manner as other animals are quarantined.

7. In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended indefinitely.
8. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to ACO's. ACO's shall direct the disposition of any animal found to be infected with rabies.
9. It shall be unlawful for any person to fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made thereof by ACO's or the police.
10. The first violation of this section shall be an infraction, however, individuals charged with a second and/or subsequent violation(s) shall be charged with a misdemeanor.

6-6-8: VICIOUS ANIMALS:

1. Responsibilities and Control of Vicious Animals:

- A. All vicious animals shall be confined in a secure enclosure on the owner's/ responsible party's property and said property shall be posted, at the owner's expense, with a visible sign at every entrance reading "Vicious Animal," "Beware of Animal," or words of like effect.
- B. Any vicious animal removed from the secure enclosure, must be restrained by a chain sufficient to control the animal.
- C. The owner or responsible party of any vicious animal shall procure liability insurance in the amount of no less than two hundred thousand dollars (\$200,000), covering any damage or injury which may be caused by such vicious animal. The owner or responsible party shall provide proof of liability insurance upon demand of any ACO or police officer.
- D. The owner or responsible party shall immediately notify ACO's or the police department of any vicious animal that is at large, unconfined, or has attacked a human being.

2. Impoundment and Euthanasia:

Any persons found harboring a vicious animal in violation of this section shall be guilty of a

misdemeanor. For a second or subsequent violation, the court may order the animal to be euthanized.

6-6-9 : COMMANDING AN ANIMAL TO ATTACK:

It shall be unlawful for any person, without justifiable cause, to command or encourage any animal to bite, chase or attack another person. Violations of this section shall be a misdemeanor.

6-6-10 : ANIMAL CRUELTY:

It shall be unlawful for any person to treat an animal in a cruel or inhumane manner. It shall be unlawful for any person to willfully and intentionally tease or otherwise molest any animal; or for any parent or guardian of any child under fourteen (14) years of age to knowingly permit such child to tease or molest any animal. Violations of this section shall be a misdemeanor.

6-6-11 : ANIMAL FIGHTING:

It shall be unlawful for any person to attend any game, exhibition, contest or fight in which fighting, killing, maiming or injuring of animals is a significant feature. Violations of this section shall be a misdemeanor.

6-6-12 : ANIMAL NUISANCES:

1. It shall be unlawful for any owner or responsible party of an animal to allow it to become a nuisance to others by any of the following:

- A. Excessive, continuous or untimely barking or noise.
- B. Charging at, biting or chasing vehicles or passersby.
- C. Allowing the excessive accumulation of animal feces, which becomes offensive by sight or smell or creates an insect breeding or attraction site.
- D. Impedes refuse collection by ripping any bag or tipping any container of such.

2. Violations of this section shall be an infraction, however, individuals charged with a third and/or subsequent violation(s) shall be charged with a misdemeanor.

6-6-13 : ANIMALS RUNNING AT LARGE:

It shall be unlawful for the owner or responsible party of any animal to allow it to run at large within the City.

6-6-14 : ANIMALS NOT PERMITTED IN PARKS:

1. It shall be unlawful for the owner or responsible party of any animal to allow it to remain in any City park that has been posted "No Animals Allowed." The Chief of Police and Mayor may designate such signage on City property.

2. Violations of this section shall be an infraction, however, individuals charged with a third and/or subsequent violation(s) shall be charged with a misdemeanor.

6-6-15 : ANIMAL FECES TO BE REMOVED BY OWNERS:

1. It shall be unlawful for the owner or responsible party to allow their animal to defecate and to allow the feces to remain upon any public park, sidewalk, roadway, or any other private or public property not owned or possessed by the owner or responsible party.

2. The owner or responsible party shall immediately and securely enclose all feces deposited by the animal in a bag, wrapper or other container and dispose of it in a sanitary manner.
3. Exceptions: Feces deposited by any service animal as herein defined.
4. Violations of this section shall be an infraction, however, individuals charged with a third and/or subsequent violation(s) shall be charged with a misdemeanor.

6-6-16 : INJURED AND DISEASED ANIMALS:

ACO's may turn over any stray or abandoned animal suffering in pain to a licensed veterinarian approved by the City where the cost or treatment shall be borne by the owner or responsible party, if known, or by the City. If the animal appears to be diseased or severely disabled, or if treatment would be prohibitively expensive, animal control may humanely euthanize the animal in accordance with state standards.

6-6-17 : PROHIBITED ANIMALS, LIVESTOCK, POULTRY, WILD AND EXOTIC ANIMALS:

1. It shall be unlawful for any person to keep or maintain any poultry, **except no more than three hens on any one parcel of property which shall be allowed**, or livestock within City limits unless said poultry or livestock was kept within the City prior to the 4th day of November, 2009.
2. It shall be unlawful for any person to keep or maintain any wild or exotic animal within City limits.
3. It shall be unlawful for any person to keep or maintain more than three dogs or three cats or a combination thereof in any multi-family dwelling unit.

4. Animals allowed in the city limits are as follows:

A. Domesticated Cats

B. Domesticated Dogs

C Small Domestic Animals including Rats, Mice, Guinea Pigs, Hamsters, Gerbils, Squirrels, Ferrets, and Hedgehogs

D. Non-Poisonous Reptiles, Excluding Crocodilians

E. Non-Poisonous Amphibians

H. Indoor Birds, such as Parakeets, Parrots etc., and Fish

I. Hens, so long as no more than three hens are kept on any one parcel of property.

5. Exceptions: Livestock, Poultry, Wild or Exotic animals are only allowed within the City under the following circumstances:

A. At any bona fide licensed veterinary hospital for treatment.

B. At any bona fide educational or medical institutions.

C. Temporarily in transit with the appropriate licensing.

D. By exhibitors who are properly licensed or permitted by the City, the Idaho Department of Agriculture, the U.S. Fish and Wildlife Services, or U.S. Department of Agriculture.

5. Violations of this section shall be a misdemeanor.

6-6-18 : RECORDS REQUIRED:

1. It shall be the duty of the ACO's to keep, or cause to be kept, accurate and detailed records of:

- A. The licensing, impoundment and disposition of all animals coming into custody.
 - B. All bite cases reported and of the investigation of same.
 - C. All monies received at the shelter belonging to the City.
2. Said records shall be open to inspection at reasonable times by such persons responsible for similar records of the City, and shall be audited by the City in the same manner as other City records are audited. All records shall be managed, retained and disposed of in accordance with the City of Mountain Home Records Retention Manual.

6-6-19 : SEVERABILITY:

If any provision of this Chapter or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of this Chapter and the application of such provisions to other persons and circumstances shall not be affected thereby.

6-6-20: ENFORCEMENT AND PENALTIES:

Any person convicted of a violation of any section or provision of this code deemed a misdemeanor may be fined in a sum not to exceed one thousand dollars (\$1,000.00) and/or up to six (6) months in jail or both such fine and imprisonment.

When the offense is designated as an infraction by any section or provision of this code or by state law, it is punishable only by a penalty not exceeding one hundred dollars (\$100.00) plus court costs.

6-6-21 : STATE LAWS SUPERSEDE:

In the event any of the procedures outlined herein conflict with or are now, or may hereafter become, covered by State Laws, then such procedures under State Laws shall supersede and supplant such procedures.

Section 3: That this ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council of the City of Mountain Home, Idaho, this 26th day of October, 2009.

Approved by the Mayor of the City of Mountain Home, Idaho, this 26th day of October, 2009.

TOM RIST

Tom Rist, Mayor

ATTEST:

Nina Patterson

Nina Patterson, City Clerk