

CITY OF ROBERTS
ORDINANCE NO. 2023-564

AN ORDINANCE RELATING TO CONTROL OF ANIMALS; DEFINING TERMS; KEEPING OF DOMESTIC ANIMALS; SETTING LIMITS ON RESIDENTIAL PREMISES; GUIDELINES FOR DOGS AND CHICKENS; PROHIBITING ANIMALS TO RUN AT LARGE; PROVIDING FOR IMPOUNDMENT OF ANIMALS; SETTING FEES; PROVIDING PENALTIES AND REMEDIES FOR VIOLATIONS; PROVIDING OTHER REGULATIONS RELATING TO CONTROL OF ANIMALS WITHIN THE CITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ROBERTS, IDAHO, THAT THE CITY OF ROBERTS, CITY CODE OF 1,974 & 2006, 473 BF, 473-A, 539 REPEALED AND REPLACED AS FOLLOWS:

WHEREAS, the City of Roberts, Idaho, the "City" herein, under and pursuant to the powers vested in it by Idaho Code, in order to promote the public health and welfare, deems it necessary to make and place into effect Provisions regarding Animals within the City; and

This ordinance is enacted pursuant to the general police power and the authority granted to cities by article 12, section 2 of the Idaho constitution and Idaho Code section 50-319 (animals at large).

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROBERTS, IDAHO:

SECTION 1: PURPOSE AND INTENT

The purpose of this ordinance is to promote the public health, safety and the general welfare of the residents of the city and to foster the humane treatment of animals by regulating the care and control of animals within the city.

SECTION 2: DEFINITIONS

When used in this ordinance, the following words, terms, and phrases, and their derivations shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

ANIMAL: Any live creature, either domestic or wild, except humans or plants. Animal includes fowl and reptiles, but shall exclude fish.

ANIMAL RESCUE ORGANIZATION: A non-profit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and which participates in early age spay/neuter of animals; complies with State and local laws regarding the humane treatment of animals; and whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes; or any non-profit organization that is not exempt from taxation under Internal Revenue Code section 501 (c)(3) but is currently an active rescue partner with a City or County animal shelter or humane society, whose mission is, in whole or in significant part, the rescue and any entity that breeds animals or that is located on the same premises as; has any personnel in common with; obtains, in exchange for payments or any other form of compensation, dogs or cats from; or facilitates the sale of dogs or cats obtained from a person that breeds animals.

ANIMAL SAFETY OFFICER: Any employee or agent of the city, designated by the mayor to administer and enforce the licensing, inspection and compliance requirements established by this ordinance.

ANIMAL SHELTER: Any facility owned or operated by a governmental entity or any animal welfare organization which is incorporated within the state of Idaho for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, or abandoned dogs, cats or other small domestic animals.

APIARY: Any place where one or more colonies of honeybees are located.

AT LARGE ANIMAL: Any animal that is off the premises of its owner, or if on the premises of its owner or of another, with permission, is not on a leash or otherwise suitably contained within a fenced enclosure such that it is under the immediate control of a person physically capable of restraining the animal.

BEEKEEPER: A person who owns or has charge of one (1) or more colonies of honeybees.

COLONY: Honeybees in a hive including queens, workers, and drones.

CRUELTY: Any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, air, space, shelter or protection from the elements, a sanitary and safe living environment, veterinary care or nutritious food in a sufficient quantity. In the case of activities where physical pain is necessarily caused, such as medical and scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination, and animal training and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

DOMESTIC ANIMAL: Includes dogs, cats, domesticated sheep, horses, pigs (excluding potbellied pig), cattle, goats, sheep, nonpoisonous snakes less than three feet (3') in length, pigeons, ducks, geese, turkeys, chickens, confined domestic hares and rabbits, pheasants, guinea pig, hamster, gerbil, frog, ferret, mouse, rat, and other birds and animals raised and/or maintained in confinement.

EXOTIC ANIMAL: Any live monkey, alligator, crocodile, Cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, nonpoisonous snakes more than three feet (3') in length, members of the feline species other than domestic cat (*Felis domesticus*), members of the canine species other than domestic dog (*Canis familiaris*) or any other animal that by virtue of strength or inherent temperament or disposition would require a standard of care and control greater than that required for customary household pets sold by commercial pet shops or domestic farm animals.

FOOD (ADEQUATE): Food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or withholding food is in accordance with accepted agricultural or veterinarian practices.

HIVE: A frame hive, commonly referred to as a Langstroth Hive, or a Top Bar hive, which has removable frames.

HONEYBEE. The common domestic honeybee. *Apis mellifera* species, at any stage of maturity, but excluding the African honeybee, *Apis mellifera scutellata* species.

IMPOUNDED: The term "impounded" shall mean having been received into the custody of the Municipal Pound or into the custody of the dog catcher, Sheriff's Department or any authorized agent or representative thereof.