

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BY THE COUNCIL OF THE CITY OF ROBERTS, IDAHO, THAT THE CITY OF ROBERTS, CITY CODE OF 1,974 & 2006, 473 BF, 473-A, 539 REPEALED AND REPLACED AS FOLLOWS: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

**LEASH:** A cord, thong, leash, or chain not more than eight (8) feet in length by which a dog is controlled by the person accompanying it.

**LICENSING AGE:** The term "dog of licensing age" shall mean any dog which has attained the age of four (4) months.

**LIVESTOCK:** Includes but is not limited to horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches

**MINIMUM CARE:** The care sufficient to preserve the health and well-being of an animal and except for emergencies or circumstances beyond the reasonable control of the owner includes, but is not limited to, the following requirements:

(A) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight and health.

(B) Open or adequate access to potable water in sufficient quantity and cleanliness to satisfy the animal's needs. Snow or ice or rain is not an adequate water source. All containers used to provide food and water should be designed to prevent spillage.

(C) Adequate shelter as defined in this section, and as appropriate adequate dry bedding to protect against cold and dampness. Some portion of a shelter provided for a dog shall include a floor appropriate for the size of the dog, and also a barrier or door at the opening which will protect the dog from severe wind, snow and rain.

(D) Professional/Ferrier/Veterinary care necessary to relieve distress from injury, neglect or disease.

**NUISANCE ANIMAL:** A nuisance animal is one that:

- A. Frequently runs at large.
- B. Damages, soils, or defecates on private property other than property owned or controlled by the animal owner or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the animal owner or handler.
- C. Causes a disturbance by excessive barking or other noise making.
- D. Chases vehicles, or molests, attacks or interferes with persons or other domestic animals on public property or private property not owned or in control of the animal or handler.

**OWNER:** Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this ordinance. An animal shall be deemed to be harbored if it is fed or sheltered by any person or if the person purported to be harboring claims to have custody or responsibility for the care of any animal.

**PET STORE:** A retail store where animals are kept, sold, or offered for sale on the premises. This term shall include any owner or operator of the business. An animal rescue organization or animal shelter, as defined in this section, shall not be considered a pet store.

**POUND:** The term “pound” shall mean an animal shelter, lot, premises or buildings maintained by the City or maintained by another as approved by resolution for the confinement and care of dogs seized either under the provisions of this Chapter or otherwise.

**RESTRAINT:** Used with respect to a dog or a cat means:

- A. Kept in a secure enclosure;
- B. Kept under the direct physical control of the owner or handler by a leash, cord, chain, or similar direct physical control;
- C. Confined within the real property limits of its owner by use of a leash, cord, chain, or similar device, fence, or vehicle in a manner that prevents escape.

**SANITARY:** A condition of good order and cleanliness to minimize the possibility of disease transmission and not producing adverse health or sensory conditions for adjoining property owners.

**SHELTER (ADEQUATE):** A structure, which protects the animal from injury and environmental hazards including but not limited to rain, snow, sun and wind. Said structure should include an enclosure of at least three (3) sides, and a roof, be accessible by the animal and of sufficient size and nature so as to provide the animal with reasonable protection.

Examples of inadequate shelter includes, but are not limited to the following:

1. Underneath outside steps, decks and stoops
2. Underneath houses
3. Inside or underneath motor vehicles
4. Inside metal or plastic barrels
5. Inside cardboard boxes
6. Inside temporary animal carriers or crates

**STERILIZED DOG:** Male or female dog rendered incapable of reproducing offspring. Proof of such sterilization must be evidenced by the certificate of a licensed veterinarian.

**TETHER/TETHERING:** The practice of securing a dog to a stationary object by means of a rope, metal chain, coated steel cable or any other device used to keep an animal restrained. This does not refer to periods when animals are being walked on a leash or for temporary grooming or other professional service.

**TORTURE:** Every act, omission or commission whereby the willful and malicious infliction of pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief. The term torture shall not include normal or legal practices as defined in section 25-3514 Idaho Code.

**UNDER CONTROL:** Restrained, by means of a leash, to the owner or other person's immediate proximity; preventing a dog from trespassing upon the property of others or annoying or chasing other persons, animals, or vehicles.

**UNLICENSED DOG:** Any dog for which a Roberts City license has not been issued for the current year as required by Chapter 4 Section 2 of the City Code, or to which the tag provided for in Chapter 4 Section 5, is not attached.

**VICIOUS OR DANGEROUS ANIMAL:** Any animal that attacks, bites, or physically injures human beings, domestic animals, or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite, or physically injure human beings, domestic animals, or livestock. Any wild animal or any animal that without adequate provocation has bitten or attacked a human being or other animal shall be prima facie presumed vicious or dangerous.

**WATER (ADEQUATE):** Fresh, potable water provided at suitable intervals for the species, and which, in no event, shall exceed 24 hours at any interval.

**SECTION 3: KEEPING OF DOMESTIC ANIMALS**

- A. It shall be unlawful for any household to own, harbor, or possess more domestic animals than authorized by this section or in accordance with limitations and licensing requirements established by this ordinance:
  - 1. Dogs and cats, not exceeding the number limitations as set forth in Section 4 of this ordinance.
  - 2. For the sole purpose of a family pet or for educational purposes at an educational institution, rabbits, guinea pigs, hamsters, gerbils, frogs, ferrets, mice, rats, snakes and/or birds (except fowl, pigeons, chickens, ducks, geese, turkeys) can be kept. It shall be the duty of all persons owning or harboring such animals to keep and maintain such animals in a clean and sanitary condition.
  - 3. The animals listed in the following table may be kept on properties containing a minimum of three-fourths (<sup>3</sup>/<sub>4</sub>) acre of securely fenced, irrigated open space, exclusive of a home site, and containing at least one acre in total, maintained in compliance with this ordinance. Said fenced area shall be irrigated during the growing season to sustain vegetation. The number of listed animals allowed on the original one-acre parcel and per acre on each succeeding acre of contiguous site is limited to a total of ten (10) points (per acre) using the point system in the following table, where the points are calculated per animal.

	<b>Points</b>
Cow	5
Horse, pony, donkey, mule, llama	4
Goat, lamb, alpaca, miniature horse	3
Duck, goose, rabbit, game fowl	1

- 4. Chickens are permitted on any detached single-family lot in the city.
  - a. Each property is permitted a maximum of twelve (12) hens.
  - b. Roosters are prohibited within the city limits.
  - c. Coops, hutches or similar containment structures are required, tethering or ground-tying chickens is not permitted.
    - 1. Coops and feed shall be secured to prevent problems with mice and other pests.
    - 2. Coops, hutches or similar containment structures must be kept at least thirty feet (30') from the front property line, five feet (5') from the side and rear property lines where the chickens are being kept, at least fifteen feet (15') from the onsite residence and at least twenty-five feet (25') from any neighboring residences. Additionally, the coop shall not be

attached to a shared fence. All other "Zoning," of this code setbacks and restrictions shall also apply.

5. Bees shall be permitted as defined in Section 6 of this ordinance.
- B. It shall be the duty of all persons owning or harboring such animals to keep them in secure confinement to prevent them from roaming onto adjacent lands and to maintain such animals, and the grounds upon, and facilities within, which they are housed, in a clean and sanitary condition. Additionally, all persons owning and harboring animals shall follow industry best management practices in raising and caring for their animals.
- C. Animal owners are also required to comply with all requirements regarding sanitation, nuisance and fencing/wall height as set forth elsewhere in this code.

#### **SECTION 4: LIMITS ON NUMBER OF ANIMALS ON RESIDENTIAL PREMISES**

It shall be unlawful for any household or educational institution to keep more than two (2) dogs and more than two (2) domestic cats, a total of four (4) permitted animals (not including the 12 permitted chickens or the number and types of animals permitted under Section 2 of this ordinance. A litter of pups or kittens may be kept for a period of time not exceeding five (5) months from birth.

#### **SECTION 5: DOGS**

##### **A. License Required:**

It shall be unlawful for any person to keep or harbor any dog three (3) months or more of age within the City without paying a license fee as herein provided.

##### **1. License Fees:**

- a. The owner or person keeping, harboring or having charge of any dog over three (3) months of age within the City shall pay to the city Clerk, the price of a license for each dog.
- b. The fee for licensing is set as stated in Section 15 of this ordinance and shall be evaluated from time to time by council and set by resolution.
- c. Licenses shall expire on December 31<sup>st</sup> of each calendar year.
- d. Dogs used as guide dogs or medically prescribed service dogs shall be licensed and registered as other dogs herein provided for, except that the owner or keeper of such dog shall not be required to pay any fee.
- e. Upon payment of such fees, it shall be the duty of the City clerk to issue a license to said person bearing the same number as the number to be worn on the collar of the dog for the current year. The said license shall, at minimum, give the date of issuance, the name, phone number, and address of the person to whom the license is issued and the breed, name, sterility, and sex of the dog. The City Clerk shall furnish with each license, a metal tag which shall be stamped with a number to correspond with the number of the license.

##### **2. License to be Placed on Collar:**

The metal tag as described in Section 5(A1e) shall be attached to the collar of the dog, which the owner or person in charge of the dog shall provide and which shall be placed and kept upon the neck of the dog so licensed. If the metal tag be lost, a duplicate tag shall be obtained by making application to the City Clerk who shall issue such duplicate tag upon payment of replacement fee stated in Section 15 and shall be evaluated from time to time by council and set by resolution.

##### **3. Record of License:**

The City Clerk shall keep a suitable record of the licenses issued under the provisions of this Chapter and shall record all of the facts required to be stated in the license. The dog owner's government issued identification shall be photo copied and attached to the city copy of said license.

B. Breeding Of Dogs:

1. Female in Heat Prohibited Running At Large: The owner of a female dog shall cause such dog, when in season, to 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 public nuisance.
2. Breeding of Dogs: It shall be unlawful for any person to let a female dog, any dog, except within an enclosure, so arranged as to obstruct such animal completely from the view of all persons who have no proprietary interest in the breeding of such animals.

C. Rabies:

If a dog has bitten, scratched or otherwise attacked a person, the owner of such dog or any person having knowledge of such incident shall immediately notify the Sheriff's Department and the Health Officer. The Pound Master shall have authority to require the owner of any dog which has bitten any person so as to cause an abrasion of the skin, or showing of rabies, to subject such dog to impoundment at the regular daily fee, or to a practicing veterinarian for quarantine enclosure from which it cannot escape and which is not accessible to the public and approved by an Animal Control Officer; and shall be kept for a minimum period of ten (10) days, and if such dog shall be determined free of rabies, the dog shall be returned to the owner. If the impoundment fee is not paid, the dog will be subject to disposal as herein provided.

1. Further, it shall be the duty of all practicing veterinarians to report to the Health Officer all cases of rabies or suspected rabies with which he comes in contact or to which his attention has been directed.
2. No person shall kill or cause to be killed, any rabid dog, any dog suspected of having been exposed to rabies, or any dog biting a human, except as herein provided, for remove.

D. Dog Defecation to be Removed by Dog Owner:

1. No person owning, keeping or having in their immediate care or custody any dog shall knowingly fail or neglect to clean up any feces of the dog immediately and dispose of it in a sanitary manner whenever the dog has defecated upon public or private property owned or within the control of another and without the consent of such public or private owner or person.
2. The provisions of subsection A of this section shall not apply to a blind person being accompanied by a guide dog or signal dog, nor shall they be construed to require or countenance any act of trespass upon private property. Whenever the feces to be cleaned up cannot be reached without an unlawful trespass upon the private property on which the feces is located, the person having the duty pursuant to subsection 1 of this section to clean it up shall first obtain permission to do so from the owner or person in lawful possession or charge of the property. If a property owner does not consent to the owner of the dog cleaning up the feces, then subsection A of this Section will not apply to the dog owner. Same from the City without written permission of the Health Officer.
3. Exceptions: The requirements of this subsection E shall not apply to:
  - a. Law enforcement officers and their service dogs during the official performance of their duties and while actively engaged in an emergency situation;
  - b. Handlers of search and rescue animals during the official performance of their duties and while actively engaged in an emergency situation; or
  - c. Individuals with disabilities utilizing service dogs as defined in this chapter.

## SECTION 6: BEES

- A. Beekeeping Allowed.
- B. No Beekeeper or Owner shall place, keep, or allow any apiary or colony of bees in or upon any parcel of real property located within the City unless such apiary conforms to the provisions of this Section.
- C. Terms and Conditions. All apiaries or colonies of honeybees kept within the City shall conform to the following terms and conditions:
- D. The apiary or colony shall be allowed by lot size as follows:
  - 1. Two (2) hives on lots that are a minimum of eight thousand (8,000) square feet up to and including eleven thousand nine hundred and ninety-nine (11,999) square feet; or
  - 2. Three (3) hives on lots 12,000 square feet or greater.

Lot size calculations shall be based on the size of a lot as shown or calculated from a recorded plat or as determined by using the Jefferson County Assessor records, in cases when a lot has not been platted.

- 3. The apiary or colony is maintained only in a side or rear yard of a residential lot. Apiaries or colonies shall not be kept or maintained in a commercial or industrial zone.
- 4. Honeybees shall be kept in hives with removable frames and shall be kept in sound and usable condition.
- 5. Hives shall be placed no less than seven feet (7') from any property line and at least six inches (6") above the ground, measured from the ground to the lowest portion of the hive. Hives shall not be placed within thirty feet (30') of any dwelling, porch, gazebo, swing set, sandbox, playground equipment, deck or swimming pool, unless the owner of such dwelling, equipment or property has given written consent for hive placement.
- 6. If any hive is located within thirty feet (30') of an adjacent property line, a fence, closed hedge, building or other impervious barrier no less than six feet (6') high and twenty feet (20') in length and shall be located between the hive and the adjacent property line.
- 7. A fresh water supply will be maintained at all times, except during winter months when the bees are hibernating, within fifteen feet (15') to twenty-five feet (25') of the apiary in order to prevent the bees from congregating at neighboring water sources.
- 8. No species of bee is kept other than *Apis mellifera*.
- 9. Queens shall be selected from stock bred for gentleness and non-swarmling characteristics.
- 10. If the colony exhibits unusually aggressive behavior or when the colony includes Africanized bees, the beekeeper or owner shall promptly remove or re-queen the colony.
- 11. All hives shall have a legible identification label securely fastened there upon bearing the name and telephone number of the beekeeper who owns the hive.
- 12. All apiaries or colonies shall comply with the Idaho State Bee Inspection statute and other applicable state laws.
- 13. All beekeepers must register each hive with the City of Roberts. This registration shall include the name of the beekeeper, the mailing address of the beekeeper, the phone number of the beekeeper and the physical address of where each hive under the beekeeper's control is located.



## **SECTION 7: ANIMALS AT LARGE**

### **A. Dogs at Large:**

- a. **Dog Running At Large Prohibited:** Any person who owns, harbors, or has in his or her control a dog which animal is found at large upon the City's streets, alleys, or public places, or upon any other private premises without the consent of the person in possession of such premises, is responsible for such animal being at large and is in violation of this section, except:
  - i. When such dog is assisting a security guard or law enforcement officer engaged in law enforcement duties.
  - ii. When such dog is a service dog while performing tasks for its owner who is an individual with a disability.
  - iii. When such dog is within City designated and posted areas for the off-leash exercise and training.
  - iv. When such dog is assisting its owner or custodian in legal hunting, or the working, herding, or controlling of livestock in a place that such activity may legally occur.
  - v. Any dog found in violation of this section may be impounded.

**B. Cats At Large:** It shall be unlawful for any owner of a cat that is four (4) months of age or older and to permit such animal to run at large upon the streets, alleys or other public places of the City; or regardless of age to permit such feline upon private property without the consent of the owner or person in possession of such property.

**C. Non-Canine OR Non-Feline Animals:** It shall be unlawful for an owner of any non-canine or non-feline domesticated animal, including, but not limited to poultry, or livestock animal, to permit such animal to run at large upon the streets, alleys or other public places of the City, or upon private property without the consent of the owner or person in possession of such property, or to be at large to the annoyance or injury of others.

## **SECTION 8: NUISANCES**

It shall be unlawful for any animal owner to fail to exercise proper care and control of his or her animal to prevent it from becoming a public nuisance. Every person shall be guilty of allowing an animal to become a nuisance when such person permits or allows an animal to violate the following provisions:

- A. **Excessive Noise Nuisances:** An animal that barks, bays, cries, howls, or emits any excessive animal noise audible beyond the boundaries of the property on which the animal is situated for an extended period of time, day or night, thereby unreasonably disturbing another person. For purposes of this section "extended period of time" means either:
  1. Any barking, baying, crying, howling, or other animal noise emitted by one or more animals incessantly for thirty (30) minutes with individual interruptions of less than twenty (20) seconds at a time during the thirty (30) minute period; or
  2. Any barking, baying, crying, howling or other animal noise emitted by one or more animals intermittently for sixty (60) minutes or more within a twenty-four (24) hour period.
- B. **Exception:** This subsection shall not apply to animals that are being teased or provoked, are maintained on land zoned for agricultural purposes, are kept at a properly permitted animal shelter established for the care and placement of unwanted or stray animals, or a properly zoned commercial boarding kennel.
- C. **Proof Of Excessive Noise Nuisances:** The owner or custodian of an animal may be charged with excessive animal noise nuisance when:

1. Animal Safety Officer receives signed complaints alleging an animal noise nuisance, from at least two (2) unrelated adult witnesses residing in different residences;
  2. Animal Safety Officer receives a signed complaint alleging an animal noise nuisance from one adult witness who has a video or audio recording of the alleged violation;
  3. Animal Safety Officer receives a signed complaint alleging an animal noise nuisance from one adult witness and an Animal Safety Officer has witnessed the alleged presence of the nuisance. The Animal Safety Officer shall not be required to personally witness an alleged violation for a thirty (30) or sixty (60) minute period; or
  4. Animal Safety Officer personally witnesses the violation and signs a complaint alleging an animal noise nuisance.
- D. General Animal Nuisances: A general animal nuisance occurs when:
1. An animal threatens passersby:
    - a. An animal chases vehicles, individuals on bicycles, scooters or similar devices, or pedestrians;
    - b. An animal attacks other animals;
    - c. An animal trespasses upon public or private property in such a manner as to damage the property;
  2. An excessive amount of animal feces is permitted to accumulate in such a manner as to affect the health of a person or which is of such quantity as to generate odors off the premises of the animal owner; or
  3. An owner fails to confine a female dog during estrus or proestrus in a building or secure enclosure in such manner that such female dog cannot come into contact with male dog, except for planned breeding.
- E. Nuisance Feral Cat Prevention: Any cat not spayed or neutered, over the age of four (4) months that is permitted to be out of doors not under the direct control of its owner is deemed a nuisance. The Animal Shelter, upon seizure of any cat at large, may spay or neuter such animal if it is over four (4) months of age. The Humane Society may mark the cat as being spayed or neutered by marking the animal's ear, or through some other methodology. A cat that is spayed or neutered, and marked as such, may be released by the Animal Shelter to the location from which the cat was seized. Any cat that is seized but identifiable through microchip, collar, or other methodology, may, in the discretion of the authorized officer, be released in field at or near its listed place of residence.

**SECTION 9: IMPOUNDING OF ANIMALS:**

All animals found running at large as defined in Section 6 of this ordinance are declared to be public nuisances and it will be the duty of all patrolmen or authorized Pound Master to pick them up and impound. Terms of the impoundment, redemption, sale or other disposal of such animals shall be as follows:

**A. Impoundment Of Dogs:**

Dogs at large will be impounded.

1. Unlicensed Dogs. All dogs not licensed or not identified by tag found running at large will be retained in the Pound for a minimum five (5) days. At any time during five (5) days, the owner or keeper of such dog may redeem it by procuring a license as outlined in Section 15, and by paying in addition a fee to the Pound Master.
2. Licensed Dogs. All licensed and properly identified dogs (with dog tags) found running at large shall be retained in the Pound for a minimum of five (5) days after the owner is notified in writing. If the owner is unknown, the City shall post a description of the dog at City Hall. At any time during the said five (5) day period such owner may redeem said dog by paying an impound fee to the City Clerk as outlined in Section 15.

**B. Releasing Impounded Animals:**

1. No dog shall be released to a person redeeming unless the dog is then licensed and wearing a license tag.
2. Unclaimed Animals. Any animal not redeemed within the periods of time as herein stated [five (5) working days] may be sold by the Pound Master to any person for the best price obtainable.
3. Disposal of Animals. If any animal is not redeemed, shelter placement cannot be obtained, or if the animal is not sold as herein provided for, the animal shall be destroyed by euthanasia and the carcass disposed of in any lawful manner.

**SECTION 10: DEAD ANIMALS**

No person shall deposit any dead animal or fowl on any City street, alley, sidewalk, or right-of-way or on any private lot within the City not owned or occupied by that person. No person shall cause or allow any dead animal or fowl to remain for an unreasonable length of time on any property owned or occupied by that person and located within the City.

**SECTION 11: CARING FOR ANIMALS**

- A. It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal to intolerably hot, stormy, cold or inclement weather without adequate shelter.
- B. No owner or custodian of any animal shall abandon such animal on any street, road, highway or public place, or on private property when not in the care of another responsible person.

**SECTION 12: CRUELTY TO ANIMALS**

- A. It shall be unlawful for any person to strike, beat, abuse, or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force may be used to drive away vicious or trespassing animals.
- B. No person, except a licensed veterinarian, or animal safety officer (for humanitarian purposes) shall administer poison to any animal, or knowingly leave any poisonous or harmful substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this section are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and/or wild rodents.

**SECTION 13: RESTRAINT AND CONFINEMENT**

- A. It shall be unlawful for the owner of any animal to fail to keep such animal under control or permit such animal to run at large upon the streets and public ways of the city or upon private property without consent of the owner or present occupant. It shall be prima facie evidence of a violation of this section when an animal is found by an animal safety officer or police officer while it is away from its owner (or responsible person).
- B. Any dog, while on a street, sidewalk, public way, or other public space, or upon private property without the consent of the owner, shall be secured by a leash or chain of sufficient tensile strength to restrain the particular dog and be controlled by a person of sufficient age and strength to control the animal. This shall not apply to animals prescribed by a doctor for medical reasons or other properly trained assist dog.
- C. No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a private or public nuisance.

- D. Every female dog in heat shall be confined in a building or other enclosed area in such a manner that such female dog cannot come into contact with another animal except for planned breeding.

**SECTION 14: KEEPING OF WILD OR EXOTIC ANIMALS**

It shall be unlawful for anyone to own, harbor, or permit at large any wild or exotic animal except for exhibit or educational purposes. Such authorization may be given only if it is demonstrated to the satisfaction of the city that the animal will not constitute dangers or hazards to the community. The applicant must demonstrate knowledge of care for said animals, and have acceptable containment for said animal. Exotic animal exhibitions shall be limited to commercial zoned property. Authorization may be given after an applicant fill out proper permitting forms, associated fees are paid and an officer of the city has completed an inspection, and approved said application. An annual renewal shall be required. Fees shall be equal to dog licensing fees outlined in Section 15 .

**SECTION 15: PROHIBITED ANIMALS**

The following animals are prohibited within the limits of the City of Roberts with no exceptions:

- 1. Pigs of any species including miniature pigs and potbelly pigs
- 2. Peacocks
- 3. Guinea Fowl

**SECTION 16: FEES**

Fees per animal shall be as follows and may be amended by resolution:

License:	Sterilized:	\$10.00	
	Unsterilized:	\$20.00	
	Duplicate:	\$2.00/each	
Impounded:	Impound Fee:	1 <sup>st</sup> time	--- \$ 20.00, plus daily boarding fee
		2 <sup>nd</sup> time	--- \$ 50.00, plus daily boarding fee
		3 <sup>rd</sup> + time	--- \$100.00, plus daily boarding fee
	Board Fee:	\$20.00 per day	

**SECTION 17: ENFORCEMENT; AUTHORITY GRANTED INTERFERENCE PROHIBITED;**

- A. Enforcement: Animal safety officers and police officers of the city shall be the enforcement officials for this ordinance. These officials shall have the authority to act on behalf of the city in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this ordinance. It shall be a violation of this ordinance to interfere with an animal safety officer or other enforcement official in the performance of his duties. Animal safety officers are hereby authorized to take such actions as they deem appropriate to protect the health, safety and welfare of the public, whether expressly authorized by this section, or not.
- B. Interference Prohibited: It shall be unlawful for any person to hinder, molest or interfere with any person who is engaged in seizing any animal, killing the same or removing the carcass.

**SECTION 18: VIOLATIONS AND PENALTIES**

It shall be a violation of this ordinance to:

- A. Fail to comply with any provision of this ordinance, that is, to do that which is described as unlawful or to violate the requirements established by this ordinance;
- B. Fail to comply with any lawful order of the animal safety officer or police officer, unless such order is lawfully stayed or reversed; or

- C. Any person who violates any provision of this ordinance shall be deemed guilty of a misdemeanor and may be punished pursuant to Idaho Code 18-113; and if such violation be continued, each day's violation shall be a separate offense.
- D. Should any person be found guilty in any court of competent jurisdiction, the court may order the animal involved to be destroyed by the animal safety officer.
- E. The city may undertake civil legal action in a court of competent jurisdiction to seek to enjoin conduct which violates the provisions of this ordinance and/or to recover the reasonable costs of actions deemed necessary to bring about compliance herewith.

**SECTION 19: REPEALER CLAUSE**

All ordinances or parts thereof, which are in conflict here within, are hereby repealed.

**SECTION 20: SEVERABILITY CLAUSE**


Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**SECTION 21: EFFECTIVE DATE**

This Ordinance shall be in full force and effect from date of passage, publication and signature of the mayor according to law.

PASSED AND ADOPTED BY THE CITY OF ROBERTS MAYOR AND CITY COUNCIL 13 of  
May, 2023.

CITY OF ROBERTS

  
\_\_\_\_\_  
Robert "BJ" Berlin  
Mayor

ATTEST:  
  
\_\_\_\_\_  
April Galbraith  
City Clerk/Treasurer