

CITY OF MONTPELIER, STATE OF IDAHO

ORDINANCE NO. 651

AN ORDINANCE OF THE CITY OF MONTPELIER, IDAHO, AMENDING ORDINANCES NUMBERED 582 (2005), 602 (2008), and 624 (2010) AND ESTABLISHING FURTHER REGULATIONS FOR THE CONTROL AND CARE OF ANIMALS KEPT IN THE CITY OF MONTPELIER, INCLUDING BUT NOT LIMITED TO RULES FOR HUMANE TREATMENT AS WELL AS SETTING FURTHER RULES AND REGULATIONS FOR ENFORCEMENT.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MONTPELIER, STATE OF IDAHO AS FOLLOWS:

ANIMALS

6.01.001 Definitions

Abuse: Any intentional, willful or negligent conduct resulting in bruising, bleeding, malnutrition, dehydration, burns, fractures or breaks any bones, subdural hematoma, soft tissue swelling or death.

Allow: To forbear or neglect to restrain or prevent, regardless of intent or participation.

Altered: An animal which is sterilized by removal of sexual organs, (testicles or ovaries) May also be referred to as neutered or spayed.

Animal: A mammal, bird, reptile, fish or amphibian.

Designated Provider: Any premises designated by the city for the purpose of impounding and caring for animals held under the authority of this chapter.

Animal Control Officer: Any person(s) employed by the city to administer and enforce the licensing, inspection and enforcement requirements contained in this chapter.

Animal nuisance: Any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of an animal.

At Heels: Means that a dog is next to a person (no more than a foot away in any direction) and obedient to that person's command.

At-Large: An animal that is off the premises of the owner, and not on a leash ten feet (10') or less in length, or not confined in a motor vehicle.

Commercial animal establishment: Any place of business for the care of animals, including but not limited to, the boarding, grooming, breeding, training or selling of animals.

Cruelty: Any act or omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted including but not limited to 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 sufficient quantity. In 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.

Custodian: Any person having custodial care of an animal by his or her choice, or at the request of, or with the consent of, the owner of the animal, including, but not limited to the parent(s) or guardian(s) of a minor child.

Dangerous Animal:

A. Any animal which, when unprovoked by teasing, taunting, or a threatening manner by any person, approaches said person in an apparent attitude of attack upon the streets, sidewalks, public grounds or places, common areas within subdivisions or mobile home or recreational vehicle parks, commons grounds of apartment buildings, condominiums, or townhouse developments, or private property not solely owned or possessed by the owner or custodian of the animal.

B. Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals or livestock; or

C. Any animal which bites, inflicts injury, assaults, or otherwise attacks a human being or domestic animal or livestock without justifiable provocation; or

D. Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or

E. Any dog which has been trained as an attack dog, except dogs used by law enforcement agencies.

Exceptions: An animal will not be considered dangerous if it engages in any of the above listed actions toward a person or animal that is either: a) committing a trespass or other tort upon the premises of the animal's owner or custodian, or b) committing a crime against the animal's owner or custodian. An animal will not be considered dangerous if any of the above actions occur when the animal is being teased, tormented, or abused, or if the actions were in reaction to either a crime committed by a person or an attempt by the person to commit a crime.

Disposition: Adoption, quarantine, voluntary or involuntary custodianship or placement or euthanasia humanely administered to an animal. "Disposition" includes placement for sale of an animal to the general public or removal of an animal from any pet shop to another location.

Humane Trap: A trap that is either designed to capture an animal alive and unharmed to be relocated or a trap designed to kill that does so quickly and without undue suffering to the animal such as mice and garden pests described herein.

Impoundment: The taking into custody of an animal by any person, police officer, animal control officer, or other authorized representative thereof.

Livestock: Cows, sheep, horses, goats, pigs, hogs, llamas, donkeys, burros, and mules or any other similar animals whose mature size is approximately that of those set out herein.

Misuse: The willful or intentional causing of an animal to perform a non-customary tasks, excepting those tasks and actions required of dogs used by law enforcement agencies which could be dangerous or harmful to the animal or any person.

Multiple-Animal Housing: Any premises or portion thereof where three (3) or more dogs or more than five (5) cats, over the age of three (3) months are kept or harbored solely for the hobby of the owner or tenant of the premises without any pecuniary gain.

Muzzle: a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting a person or other animal.

Public Nuisance Animal: Any animal that unreasonably annoys humans, endangers the life or health of a person or another animal, or substantially interferes with the rights of person, other than its owner/custodian, to enjoyment of life or property.

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 for five (5) or more consecutive days, or who's child, or other person over whom guardianship is exercised, who resides with said person, so harbors or keeps an animal.

Chapter 6.08

DOGS/Animals

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6.08.010 License Required.

It is unlawful for the owner, keeper or harbinger of any dog with in the city limits of Montpelier to keep, harbor or own any dog without first obtaining a license for said dog as provided in Section 6.08.020, except licensing shall not apply to dogs under the age of four (4) months. Rabies vaccination is recommended at four (4) months of age and required for licensure. The City issued license tag must be displayed on the dog, usually on the collar.

(Ord. 488 § 1, 1980)

6.08.020 License—Fee--Non-transferable

Fees may be set and/or modified from time to time by resolution of the city council.

The license fee for the license mentioned in Section 6.08.010 shall be as follows:

An amount for any altered dog, and separate amount for any non-altered dog.

License purchased for a particular dog will not be transferable to another dog. Each dog will require a new license meeting the requirements of Section 6.08.040.

(Ord. 582, 2005: Ord. 488 § 2, 1980)

6.08.030 License—Fee—Due when

Said license fee shall be due and payable on or before the fifteenth day of January of each year and shall be obtained by application to the city clerk. (Ord 488 § 3, 1980)
The dog license must be renewed every year.

Replacement License Tag: If a dog's license tag becomes lost, a replacement tag must be purchased.

6.08.032 Kennels

A. No owners, keepers, or harborers of dogs may keep more than three dogs except as permitted in "agriculture" zoned lands within the city of Montpelier.

RE: 17.24.030 (Kennels)

RE: 17.08.020 (Definitions)

B. Any kennel established shall be distanced far enough away from any residence not owned by the kennel owner so as not to be a disturbance or nuisance to neighbors. Such kennel will be at least 100 feet from any neighbor's property lines.

C. All dogs in kennels must meet the license requirements for this ordinance.

D. A kennel license and fee will be required. Yearly license renewal is required to establish and maintain a kennel under this provision.

E. Persons involved in the breeding of dogs shall be required to obtain a kennel license.

F. The police chief may waive the limitation on the number of dogs and increase that number for those who are providers of foster care for animal(s).

G. Inspection:

Inspections may be performed without appointment and at the discretion of and by a police officer, animal control officer and/or Public Health Official. Inspections shall be conducted on at least an annual basis.

(Ord. 582, 2005)

06.08.040 Rabies vaccination required.

Each dog licensed within the city of Montpelier will have a current vaccination certificate for rabies from a licensed veterinarian. A license will not be issued without this certificate. Any unlicensed dog impounded and claimed by the owner will be given these vaccinations by a licensed veterinarian at the claimant's expense.

(Ord 488 § 4, 1980)

06.080.050 Confinement of unspayed female dogs.

The owner, keeper or harbinger of any female dog, not spayed, during the time she shall be in heat, shall keep such dog totally inaccessible to any male dog except one chosen for selective breeding. (Ord. 582, 2005: Ord. 44 § 5, 1980)

06.08.060 At-large dogs

It is unlawful for the owner, keeper, or harbinger of any dog to allow said dog to run at large within the limits of the city of Montpelier. Such animal shall be confined and restricted to the premises of the owner, keeper or harbinger and shall be allowed to go at large only in the company and control of its owner, keeper or harbinger.

06.08.070 Prohibited Areas

All dogs are prohibited from going upon any City Park, the Golf Course and the City Cemetery, unless otherwise specified by signage. (Ord 526, 1991: Ord 488 § 7, 1980)

06.08.080 Disturbing the Peace

It is unlawful to allow any dog to disturb the peace and quiet of the neighborhood by habitually barking or howling. (Ord. 488 § 7, 1980)

06.08.090 Confinement of biting dog.

Any dog biting a person or other animal shall be confined for a period of fourteen (14) days at a suitable place of impoundment approved by the city chief of police and may be examined by a licensed veterinarian at owner's expense.

Confinement shall include solitary kenneling and exclusion from other animals or persons during the fourteen (14) day period. If this is possible, the dog may be quarantined at the home of the owner if this is in Montpelier.

In circumstances where testing is required, the dog must be quarantined for at least fourteen (14) days under veterinary observation and then destruction for the purposes of necropsy. (Ord. 488 § 9, 1980)

06.08.100 Dangerous Dogs

- A. Dangerous Conduct by Dog Prohibited: The owner or custodian of any dog which commits any of the acts defined in this chapter as "dangerous" may be cited for a misdemeanor and the police officer or animal control officer may seize and impound the dog until the matter has been adjudicated. The conduct shall not be deemed dangerous if the victim (person, domestic animal, or livestock) was committing a tort against the dog's owner/custodian, or committing a trespass or other tort on the premises of the dog's owner/custodian. Specifically prohibited are the following acts:

1. If the dog acts although unprovoked by teasing, taunting, or a threatening manner by any person, approaching said person in an apparent attitude of attack upon the streets, sidewalks, public grounds or places, common areas within subdivisions or mobile home or recreational vehicle parks, common grounds of apartment buildings, condominiums, or townhouse developments, or private property not solely owned or possessed by the owner or custodian of the dog; or

2. Biting, inflicting injury, assaulting, or otherwise attacking a human being or domestic animal or livestock without justifiable provocation.

B. Prohibited Animals/Dog(s): No person may own or harbor or have custodial care of any of the following types of dangerous animals/dog(s):

1. Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to otherwise endanger the safety of human beings or domestic animals or livestock, unless restrained and/or confined as provided in this chapter; or

2. Any dog which has been trained as an attack dog, except dogs used by law enforcement agencies.

C. Impoundment and/or Destruction: Any dog whose owner or custodian has been found guilty of or entered a plea of guilty to the offense of dangerous conduct by his/her dog is subject to impoundment and/or destruction. For a first offense, the court shall set the matter for sentencing and notify the office of the city prosecutor of the date, time, and place of sentencing. The prosecutor may request that the court order the destruction of the dog. If the court determines that destruction is warranted, it shall issue an order authorizing any animal control officer or police officer to enter the property where the dog is located and to seize the dog and impound it for destruction if the animal has not been voluntarily surrendered by five o'clock (5:00) P.M. on the date of sentencing.

Destruction of a dangerous animal is permitted even if it has not been involved in a bite or injury of a person (breaking of the skin and has no history of rabies vaccination).

D. Subsequent Violations:

1. Upon the conviction or plea of guilty to a second or subsequent offense of dangerous animal conduct, regardless of the form of the current or any prior judgment, if the subsequent conduct involved the dog being dangerous, the court shall order destruction of the dog. If the court determines that destruction is warranted, it shall issue an order authorizing any animal control officer or police officer to enter the property where the dog is located and seize the dog and impound it for destruction if the dog has not been voluntarily surrendered by five o'clock (5:00) P.M. on the date of sentencing.

2. If the subsequent conduct did not involve the dog being dangerous, the court may, but is not required to, order destruction of the dog regardless of the form of the current or prior judgment.

E. Owner Liability: An adult owner/custodian of a dangerous dog shall be liable for all injuries and property damage sustained by any person or by any animal caused by an unprovoked attack by any dangerous animal, plus all costs, civil judgments or penalties, criminal fines, final terms, veterinary fees, shelter impound fees, and any other penalties and orders. In the event that the owner/custodian of the dangerous dog is a minor, the minor's parent or guardian shall be so liable.

- F. Failure To Surrender Dog: It shall be a separate offense to fail to surrender a dog for impoundment and/or destruction.

(Ord. 582, 2005: Ord. 530, 1993: Ord 518, 1989: Ord. 488 § 10, 1980)

6.08.110 Fighting Training and Attack Commands Prohibited

It is unlawful for any person to possess, harbor or maintain any animal for the purpose of fighting or to train, torment, badger, bait or use any animal for the purpose of causing or encouraging it to attack or fight human beings or other animals.

(Ord. 602, 2008)

6.08.120 Impounded dogs—Kennel fee.

- A. The owners, keepers or harborers of any dog impounded at the veterinary clinic of the approved provider may also be subject to pay the city of Montpelier a kennel fee per day for each day or part thereof the dog is impounded.
- B. Impound fees, a reasonable estimate of veterinarian expenses, diagnostic tests, etc., will be paid by owner of the dog at the time of impoundment with balance due upon release of the dog.
- C. All costs set forth herein will not be reduced or dismissed upon release or destruction of the dog.

(Ord 582, 2005: Ord 488 § 12, 1980)

06.08.122 Isolation or Quarantine

- A. In the event special medical, veterinarian services or isolation are necessary, then an additional impound fee will apply. The impounded dog may be euthanized after three days if not redeemed.
- B. Any dog that is in the custody of the City of Montpelier that is terminally suffering, upon the advice of a veterinarian shall be euthanized at no liability cost to the City of Montpelier or the approved veterinarian provider.

(Ord 582: 2005)

06.08.123 Redeeming Impounded Dogs

- A. Any person redeeming a dog shall, prior to or at the time of redemption, purchase a license and fulfill all licensing requirements of this chapter and pay all required fees to the Montpelier City Clerk. Impoundment fees must be paid to the designated service provider.

Fees may be set and/or modified from time to time by resolution of the city council.

Licensed

First Offense: No penalty charge

Second Offense (with same dog): Set fee plus impoundment fee

Third Offense (with same dog): Set fee plus impoundment fee

Not Licensed

First Offense: Set fee plus impoundment fee

Second and Subsequent Offenses: Set fee plus impoundment fee
(Ord 582: 2005)

06.08.124 Authority to Enforce

- A. Animal control officers, in addition to Montpelier police officers are hereby authorized to carry out the duties necessary to enforce this chapter, including licensing, inspections, and enforcement, including issuance of Idaho uniform citations for any violations of this chapter.
- B. It shall be unlawful for any person to hinder or obstruct, or attempt to hinder or obstruct, a police officer or an animal control officer in the discharge of his or her duties specific to this ordinance.
(Ord. 602, 2008)

06.08.125 Rabies vaccination, quarantine and disease control

- A. **Rabies vaccination:** The owner/custodian of any dog or cat shall be responsible for having the animal vaccinated for rabies by a licensed veterinarian and for keeping immunization current. Vaccinations must begin when the animal has reached the age of four (4) months. Every owner/custodian must, upon request of an animal control officer or police officer, produce proof of such vaccination(s).
- B. **Suspected rabies—quarantine procedures:** Any owner/custodian of any animal which shows symptoms of rabies, or which has bitten any person shall surrender the animal for impoundment and isolation (quarantine) to a licensed veterinarian for a period of fourteen (14) days or shall securely confine the animal on his or her premises for said period of time. The choice of place of quarantine shall be at the discretion of the animal control officer or the police department. All costs of quarantine shall be borne by the animal owner/custodian. If an owner/custodian refuses to surrender or confine the animal, animal control officers are hereby authorized to seize the animal and transport it to a licensed veterinarian. Animal control officers or police officers are hereby authorized to immediately impound any quarantined animal found outside the quarantine area and arrange for its confinement in accordance with this section. If the animal has been confined by its owner/custodian, on the next working day following the fourteen (14) day quarantine, the owner/custodian shall take the animal to a licensed veterinarian for examination and to be examined and to obtain a rabies vaccination if the owner has not provided a current valid rabies vaccination certificate to the police department. A copy of the examination results and a current certificate of rabies vaccination must be provided to the police department no later than the following day. Failure of the owner to comply with any of these provisions shall result in the immediate impoundment of the animal, and it shall be subject to disposition in accordance with the policies of this chapter. If an animal quarantined is determined to be free of rabies, it shall be returned to

the owner or custodian upon payment of all costs of confinement, examination and vaccination. If such charges are not paid, the animal shall not be returned to and shall be subject to disposition in accordance with the policies and procedures of this chapter.

C. Premature Destruction—Preservation of the Head.

It is unlawful for any person to kill or have killed any animal suspected of being rabid, provided however that an animal control officer or other law enforcement officers may kill any such animal if he/she determines that the animal is so vicious or wild that it cannot be restrained and impounded or that further pursuit would result in losing the animal and if the animal can be killed so as not to damage the head. The head of any animal so killed must be severed from the body and sent to the public health department for examination and diagnosis immediately as time is of critical importance due to the degradation of the tissue.

- D. Control of contagious Disease:** It is unlawful for any person to knowingly permit or allow any animal with a contagious or infectious disease upon the public streets, roads and way of this city; or to be within any public transportation facility or other public building or place; or to expose such animal in public building or place whereby the health and safety of any person may be affected.
(Ord. 602, 2008)

- E. Impoundment by Property Owner:** Any person finding an animal at large upon his property may impound that animal and shall immediately notify sheriff's dispatch personnel that he is holding the animal in his own possession and provide a description of the animal and the name of the animal owner, if known. The dispatch should notify a police officer or an animal control officer to impound the animal at the first reasonable opportunity to do so. If the name of the owner/custodian is known or can be easily obtained, the officer may return the animal to the residential address of the owner. If there is no one present, the officer may impound the animal and shall leave written notice at the residence of the person or place to contact to reclaim the animal. The animal control officer shall then attempt to make arrangements for the dog's confinement.

F. Impoundment by Officers:

In addition to any other remedies provided in this chapter, animal control officers and police officers are authorized to impound and confine any of the following animals:

1. Any dog without a valid license tag
2. Any animal at large
3. Any animal that is in violation of any quarantine or confinement order.
4. Any unattended animal that is ill, injured, or otherwise in need of care. Upon determination by any, police officer, or veterinarian that the injury or illness is untreatable, the animal may be euthanized by the officer or veterinarian without regard to the waiting period set out below. Costs of medical care or euthanasia shall be borne by the owner/custodian.
5. Any animal that is reasonably believed to have been abused or neglected.
6. Any animal that is reasonably suspected of having rabies

7. Any animal that is reasonably believed to be dangerous or a threat to public health and safety.
8. Any animal that a court of competent jurisdiction has ordered impounded or destroyed.
9. Any animal that is considered unattended or abandoned, e.g. due to the owners death, arrest or eviction from his or her residence, and there is no sign of care for the animal.
(Ord. 602, 2008)

TERMS OF IMPOUNDEMENT AND REDEMPTION OR OTHER DISPOSITION

- A. The designated provider shall provide suitable and adequate food and water for all animals impounded.
- B. Any animal not reclaimed by its owner within three (3) working days shall:
 1. Be turned over to the designated provider and converted to their property, or
 2. Become the property of the city and shall be placed for adoption or euthanized in a humane manner after that recommendation by a licensed veterinarian. The animal control director or police chief may refuse to allow adoption to any person who has pled guilty or been convicted of a violation of this chapter. Appeal or denial may be made in writing within three (3) days to the city council. Specific animals shall not be held at the center pending the council's decision but may be adopted by other persons or euthanized as provided above. The city council shall hear the appeal at the next available regularly scheduled meeting and may either affirm or reverse the denial. If the denial is reversed the person may adopt any animal which is available after the council's decision. Fees for adoption and euthanasia shall be set from time to time by resolution of the city council.
- C. If the name of the owner is readily available through license records the designated provider staff, animal control officer or police officer, shall attempt to notify the owner by telephone or mail or by hand delivery of a notice or by notice attached to the door of the residence of the animals impoundment, providing the deadline for reclaiming the animal, the conditions under which the animal may be redeemed including a detailing of the costs of confinement and the consequences of failure to redeem-by deadline.
- D. The designated provider or police department shall keep a record of all animals impounded which shall include a description of the animal, date of impoundment, date of notification of impoundment, method of notification, date of redemption and record of fees paid or date of other disposition. In the case of adoption the record shall include the name, address and phone number of the person buying or adopting the animal. If the owner requests the dog after the three days has passed, the owner shall reapply for and must meet adoption criteria for the dog.
- E. Redemption shall be made by providing satisfactory proof of ownership and paying the required City fees and charges. Other fees including, but not limited to, private impoundment fees, daily care fees, and medical costs must be paid in full to the designated provider. City fees shall be set from time to time by resolution of the city council. Copies of such resolutions shall be kept on file and made available in the office of the city clerk.

- F. Any person who has surrendered two (2) or more dogs for disposition by the animal shelter (ANH Bear Lake) or has two (2) or more dogs impounded for any reason shall not be eligible to hold a dog license in the city of Montpelier.
(Ord. 602, 2008)

06.08.126 RESERVED

06.08.127 Adoption—Fees and Requirements

A. General Conditions

Adoption of a dog from designated provider shall be allowed upon agreement by the adopter to abide by conditions set out herein and in the adoption agreement and upon payment of the required fees.

- B. Alteration: Any dog adopted shall be altered (spayed or neutered) by a licensed veterinarian either prior to adoption or within thirty (30) day of adoption, or as soon thereafter as the animal is old enough to be altered. If the animal remains in Montpelier and is not already altered the adopter shall agree to provide evidence of alteration to the Montpelier police department within thirty (30) days. For animals too young to be altered within thirty (30) days of adoption, proof of alteration must be provided within thirty (30) days of the age they become eligible for alteration, which date will be designated on the adoption paperwork. Any person who has adopted a dog or cat from the center who fails, neglects or refuses to so provide evidence of alteration may be charged with a violation.

- C. Fees: The adoption fee, which shall include license fees, shall be set by resolution of the city council; The designated provider may determine adoption criterion and their own fee structure.

(Ord. 602, 2008)

06.08.128 Proper Care of Animals

- A. It shall be unlawful for any owner or custodian of any animal to fail to provide the animal with any of the following; clean water daily and sufficient, good and wholesome food, proper shelter and protection from weather including shade in summer and protection from extreme cold in winter, appropriate veterinary care to prevent suffering and/or treat disease, a clean and wholesome living environment and protection from abuse or misuse.
- B. No owner or custodian of any animal shall willfully abandon such animal on any street, road, highway or public place, or on private property without the consent of the owner thereof to provide care for the animal.
- C. The owner/custodian of any animal which dies shall within twenty-four (24) hours provide for the burial, cremation or other disposition of the body of such dead animal in a safe and sanitary manner.
- D. Animal control officers shall dispose of any animal found dead in the city whose owner/custodian cannot be readily ascertained by removing the body for disposition.
- E. No person shall dye or color any rabbit, baby chick, ducklings, or other fowl or dog or cat or sell offer for sale, barter, or give away rabbits less than three (3) weeks of age or dogs

or cats less than six (8) weeks of age for any purpose. Research facilities shall be exempt from the provision of this section.
(Ord. 602, 2008)

06.08.128.1 Sanitation Requirements

- A. No owner/custodian of any animal shall cause or allow such animal to soil, defile, urinate or defecate on any public property or upon any street sidewalk, public way, play area or common grounds owned jointly by the members of a homeowner's or condominium association, or upon private property other than that of the owner unless such owner or custodian immediately removes and disposes of feces deposited by such animal by collection of the feces and removal of such to the property of the animal owner/custodian for disposition thereafter in a manner permitted by law.
- B. No person owning, harboring or keeping an animal within the city shall permit any waste matter from the animal to collect and remain on any property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property or the property of others. Offensive living conditions shall include, but are not limited to exposure to the odor of accumulated feces or urine.
(Ord. 602, 2008)

06.08.129 Cruelty to Animals Prohibited

It shall be unlawful for any person to engage in any conduct defined in this chapter as cruelty to animals. Such prohibition shall include but not be limited to the following:

- A. It shall be unlawful for any person to overload or override an animal or to expose any animal, excluding animals used in law enforcement to any other unreasonable danger to its health or life.
- B. It shall be unlawful to willfully or maliciously 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 any vicious or trespassing animal. This does not apply to on-duty law enforcement officers duly engaged in the lawful performance of duty while protecting persons from potential immediate harm.
- C. It shall be unlawful for any person, except a licensed veterinarian for humanitarian purposes, to administer poison to any animal or knowingly expose any animal to any poisonous substance, or ground glass, or leave any such substance in any place with the intent to injure any animal. The provisions of this section are not applicable to exterminators or property owners using poisons or traps as part of a pest control program, or the use of commercial insecticides and rodent baits used to control insect and wild rodents or to employees of the animal control shelter in the discharge of their duties related to euthanasia.
- D. It shall be unlawful to set any trap which is likely to be injurious to domestic animals. Traps obtained from the City police department or designated provider are deemed not to be in violation of this section. Nothing herein shall be construed to prevent property

owners from setting humane traps to capture and dispose of lawn and garden pests, rats, mice, gopher, moles, voles or other animals which constitute a nuisance or are deleterious to their enjoyment of life or property.
(Ord. 602, 2008)

06.08.128.1 Placing Food or Garbage

It is unlawful to place or offer food or garbage in a public place or a place with public access in a way that attracts stray animals including dogs, cats, raccoons, skunks and other rodents or vermin believed to carry disease and creates a public nuisance.

6.08.130 Violation-Penalty

A. Violation(s) of this chapter for failure to license and/or for animal at large is an infraction punishable by the fixed infraction penalty set out in the Idaho State Code.

B. All other violations of this chapter are misdemeanors punishable by a fine only up to one thousand dollars (\$1,000).

(Ord. 602, 2008)

Conflicting Ordinances Repealed

All ordinances in conflict herewith are hereby repealed.

Reading Requirement of Idaho Code ss50-902

One half plus one of the members of the full council agree to dispense with the rule requiring the reading of this ordinance on three (3) separate occasions.

Severability

If any portion of this ordinance is determined by a Court of competent jurisdiction to be invalid or unenforceable, all other provisions of this ordinance shall remain in full force and effect.

This ordinance shall be in full force and effect from and after its passage and approval, and publications provided by law.

PASSED AND APPROVED by the Mayor and City Council of the City of Montpelier, Bear Lake County Idaho, this 3rd day of June, 2015.



Jared Sharp, Mayor

ATTEST:



Leslie S. Tueller, City Clerk

