

ORDINANCE 1278

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 6.08.040, OF THE PAYETTE MUNICIPAL CODE TO PLACE RESTRICTIONS ON KENNELS WITHIN THE CITY LIMITS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO, AS FOLLOWS;

Section 1. Section 6.08.040 of the Payette Municipal Code, is hereby amended to read as follows:

6.08.040 Kennel License:

A. It shall be unlawful to keep, maintain, harbor or possess upon any one premises more than three (3) dogs, unless the owner or person in charge thereof is engaged in the commercial business of buying, selling, breeding, boarding or training of dogs and has first obtained a commercial kennel license. Application for a commercial kennel license shall be made to the City Clerk and shall be accompanied by an application fee of seventy five dollars (\$75.00). The kennel license shall not become effective until it is reviewed and approved by the City Council.

B. No dog kennel license shall be issued for the operation or maintenance of a kennel in any residential district or in a any business district within 150 feet of any residential structure. Any person, firm or corporation operating or maintaining a licensed dog kennel within the city must also obtain a certificate from the Zoning Administrator that the location conforms to the regulations of the City.

C. Dog kennels shall be maintained in accordance with this Section. The kennels shall be sufficiently soundproof so that noises from within cannot be heard by adjoining landowners. No kennel shall be built or constructed, nor shall any building be remodeled into a kennel, until all required building permits are obtained and written consent is obtained from the property owner.

D. All kennels will be maintained in such a manner that there shall be no odor emanating from the kennels that can be detected by any adjoining landowners. Sanitation shall be such that the kennel shall not become a breeding area for flies, vermin or insects. All animals kept within the kennel shall be properly fed and sanitarilly housed. No animal kept in a kennel shall be mistreated.

E. The permit issued by the City Council shall be a license and may be revoked upon a showing that any requirement of this Chapter is not being fulfilled. It shall be in effect for a period of one year from date of issuance and may expire without notice of any kind. A kennel license will be renewed every year.

F. Whenever any kennel is maintained in such manner as to be offensive on account of noise or odors, or otherwise, any person may make a complaint to the City Council. Upon filing of such complaint, the City Council shall immediately notify the owner or keeper of such kennel to appear before the Council to show cause why the kennel license should not be revoked. Such hearing shall not be less than five (5) days nor more than twenty eight (28) days from the date of filing such complaint, and the notice shall be served not less than seven (7) days before hearing. After hearing, the

Council will have the following options: (1) Revoke or cancel the license; (2) Put the license on probation and subject to immediate revocation in the event of any additional violations, subject to the terms and conditions as the Council may deem appropriate; (3) Dismiss the complaint.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

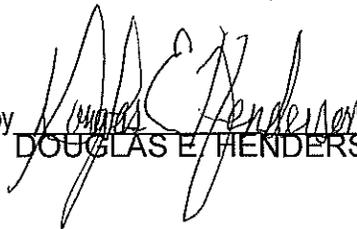
Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

Section 6. Any violation of this Ordinance shall be a misdemeanor punishable by up to a \$1,000.00 fine and six months in the Payette County Jail, or both.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 4th day of June, 2007.

CITY OF PAYETTE, IDAHO

by 
DOUGLAS E. HENDERSON, Mayor

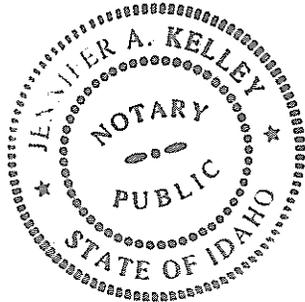
ATTEST:


Mary Cordova, City Clerk

State of Idaho)
) ss.
County of Payette)

On this 4th day of June, in the year of 2007, before me Jennifer A. Kelley, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.

Jennifer Kelley
Notary Public for Idaho
Residing at: Payette Id
Commission expires: 12-11-2008



ORDINANCE 1278

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING SECTIONS 6.08.040 AND 6.08.060, OF THE PAYETTE MUNICIPAL CODE TO PROHIBIT PLACE RESTRICTIONS ON KENNELS WITHIN THE CITY LIMITS; SETTING AN EFFECTIVE DATE; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; ESTABLISHING A PENALTY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO, AS FOLLOWS;

Section 1. Section 6.08.040 of the Payette Municipal Code, is hereby repealed:

6.08.040 Kennel License:

A. It shall be unlawful to keep, maintain, harbor or possess upon any one premises more than three (3) dogs, unless the owner or person in charge thereof is **engaged in the commercial business of buying, selling, breeding, boarding or training of dogs** and has first obtained a **commercial** kennel license. Application for a **commercial** kennel license shall be made to the City Clerk and shall be accompanied by an application fee of seventy five dollars (\$75.00). The kennel license shall not become effective until it is reviewed and approved by the City Council ~~sitting in banc~~.

B. No dog kennel license shall be issued for the operation or maintenance of a kennel in any residential district or in a any business district within 150 feet of any residential structure. Any person, firm or corporation operating or maintaining a licensed dog kennel within the city must also obtain a certificate from the Zoning Administrator that the location conforms to the regulations of the City.

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