

ORDINANCE NO.1433

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF PAYETTE CITY CODE, TITLE 6, CHAPTER 4, PROVIDING FOR THE ADDITION OF NEW SECTIONS 6.04.115 KEEPING OF SWINE, 6.04.120 TRAPPING ANIMALS UNLAWFUL, 6.04.125 DEAD ANIMALS; REMOVAL REQUIRED; PROVIDING A PENALTY FOR VIOLATIONS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

BE IT ORDAINED BY THE PAYETTE CITY COUNCIL AS FOLLOWS:

Section 1. Title 6, Chapter 6.04 of the Payette Municipal Code is hereby amended to read as follows:

Chapter 6.04
ANIMALS AND POULTRY

6.04.010: ANIMALS; RUNNING AT LARGE PROHIBITED; SEIZURE AND IMPOUNDMENT:

6.04.020: ANIMALS; RUNNING AT LARGE; NOTICE OF SEIZURE AND IMPOUNDMENT:

6.04.030: ANIMALS; SEIZED AND IMPOUNDED; SALE AT PUBLIC AUCTION:

6.04.040: ANIMALS; SEIZED AND IMPOUNDED; CARE:

6.04.050: ANIMALS; SEIZED AND IMPOUNDED; OWNER'S RIGHT OF POSSESSION:

6.04.060: ANIMALS; SEIZED AND IMPOUNDED; FEES:

6.04.070: ANIMALS; SEIZED AND IMPOUNDED; MONTHLY REPORT:

6.04.080: PROHIBITED ENTRANCE INTO POUND; DECLARED MISDEMEANOR:

6.04.090: POULTRY; ~~REQUIRED CONFINEMENT:~~

~~6.04.100: POULTRY; RUNNING AT LARGE PROHIBITED:~~

6.04.110: MORATORIUM ON TRAPPING AND KILLING OF CATS:

6.04.115: KEEPING OF SWINE; DECLARED MISDEMEANOR:

6.04.120: TRAPPING ANIMALS UNLAWFUL:

6.04.125: DEAD ANIMALS; REMOVAL REQUIRED; NONCOMPLIANCE AS MISDEMEANOR:

6.04.010: ANIMALS; RUNNING AT LARGE PROHIBITED; SEIZURE AND IMPOUNDMENT:

No cattle, horses, mules, hogs, goats or sheep shall be allowed to run at large, or be herded, tethered or picketed in any of the streets, alleys or public grounds within the city limits; and it is made and shall be the duty of the chief of police to seize and impound any and all cattle, horses, mules, hogs, goats or sheep found tethered, picketed or running at large within the city limits.

A. No person shall, without first obtaining a permit from the city clerk, ride any horse, mule, llama or cattle, or suffer, permit or allow any horse, mule, llama or cattle to come upon any city park, or upon any street, alley, ~~or private property~~ which lies within the city limits and which is more particularly described as lying south of Third Avenue North, north of Highway Business 95, east of Sixth Street and west of Tenth Street.

~~B. The city clerk is authorized to receive applications for permits, charge a fee therefor and issue permits, either individually or to groups, for parade purposes or for other purposes which benefit the general public.~~

~~C. Any animal found in an area described in subsection A of this section, whose owner has not obtained the required permit, shall be subject to seizure as set out in this section and the owner, possessor or rider thereof shall be guilty of a misdemeanor and punished in accordance with the misdemeanor laws of the state of Idaho.~~

6.04.020: ANIMALS; RUNNING AT LARGE; NOTICE OF SEIZURE AND IMPOUNDMENT:

When a police officer seizes and impounds any animal mentioned in section 6.04.010 of this chapter, he shall forthwith post, at three (3) conspicuous places in the city and for not less than ten (10) days, a written or printed notice containing a description of the animal seized by him, the date of the seizure, and the time and place where the same shall be sold. Such notice shall be published at least once in some newspaper published in the city; provided, that no sale under this chapter shall be made within ten (10) days from the date of such seizure.

6.04.030: ANIMALS; SEIZED AND IMPOUNDED; SALE AT PUBLIC AUCTION:

Any animal seized and impounded under this chapter, if unclaimed or, if claimed, upon which the legal charges and expenses have not been paid, shall be sold by the chief of police at public auction to the highest bidder, at the time and place mentioned in the notice described in section 6.04.020 of this chapter. All monies received by the chief of police from the sale of any animals so seized and impounded shall be paid by him to the city clerk.

6.04.040: ANIMALS; SEIZED AND IMPOUNDED; CARE:

Any animal seized and impounded under the provisions of this

chapter shall be provided with proper care, food and water while so confined by the chief of police.

6.04.050: ANIMALS; SEIZED AND IMPOUNDED; OWNER'S RIGHT OF POSSESSION:

If, at any time prior to such sale set forth in section 6.04.030 of this chapter, the owner of any animal so seized and impounded claims the same, he shall be entitled to the possession thereof, upon payment to the chief of police of fees and of all legal charges and expenses incident to such taking up and keeping. Such fine shall be paid by the chief of police to the city clerk.

6.04.060: ANIMALS; SEIZED AND IMPOUNDED; FEES:

The chief of police shall collect the actual and necessary expenses incurred for seizing, impounding, keeping and selling any animal under the provisions of this chapter:

A. For taking up and impounding cattle, horses, mules, per head;

B. For hogs, sheep and goats, per head.

6.04.070: ANIMALS; SEIZED AND IMPOUNDED; MONTHLY REPORT:

The chief of police shall report to the council, monthly, a full statement of all stock impounded under the provisions of this chapter, giving a description of all animals so impounded, the date when seized, the date of sale, the amount received for fines or for the sale of such animals, the amount paid to the city clerk, and the owners if known to him. He shall receive a receipt in duplicate from the city clerk for all monies paid and shall file the duplicate with his report.

6.04.080: PROHIBITED ENTRANCE INTO POUND; DECLARED MISDEMEANOR:

Any person who breaks into the city pound or takes therefrom any animal that has been impounded under the provisions of this chapter, or attempts to take the same from the chief of police while in his possession, shall, upon conviction thereof ~~before the police magistrate~~, be deemed guilty of a misdemeanor.

6.04.090: POULTRY; ~~REQUIRED CONFINEMENT:~~

For purposes of this subsection, "poultry" shall mean domesticated birds (galliformes and anseriformes), and shall include chickens, ducks, and geese but shall not include peafowl, guinea fowl, ostriches, or emus. Male poultry is prohibited in the corporate city limits.

A. Required Confinement:

It is unlawful for any person to keep any chickens, ducks, geese, turkeys or other poultry within the city limits, except

the same shall be confined within a shed or other enclosure sufficient to retain the same and prevent them from trespassing upon the streets, alleys and other property within the city limits. In no event shall the coop and/or run constructed for containing poultry be located in a front yard, and shall not be less than twenty five feet (25') from a dwelling other than that of the person keeping or maintaining poultry.

B. Limits.

A limit of no more than six (6) chickens, ducks, geese, turkey or other poultry is allowed per lot/parcel smaller than three acres. A limit of no more than twenty-five (25) poultry is allowed on a lot/parcel larger than three acres, if such poultry are not intended for sale and do not comprise a commercial agricultural use, except as outlined in T transitional district. ~~No roosters are allowed in the corporate city limits.~~

~~6.04.100: POULTRY; RUNNING AT LARGE PROHIBITED:~~

C. Running at Large Prohibited.

It is unlawful for any person to permit or allow any chickens, ducks, geese, turkeys or other poultry to run at large upon the streets, alleys or private property not belonging to the owner of such poultry, within the corporate limits. Poultry is allowed to be free range in a securely fenced rear yard and restricted to the owner's property.

6.04.110: MORATORIUM ON TRAPPING AND KILLING OF CATS:

It shall be unlawful for any person, except an official of the city of Payette, a person designated by a city official or a licensed veterinarian or their designee to trap and kill domestic and feral cats within the city limits.

6.04.115: KEEPING OF SWINE; DECLARED MISDEMEANOR:

Any person who keeps within the corporate limits any swine, in or on any pen, place or premises, the same shall be defined to be a nuisance and, under the provisions of this section, the owner, agent or other person in charge of any such swine shall be deemed the author of such nuisance and shall be guilty of a misdemeanor.

6.04.120: TRAPPING ANIMALS UNLAWFUL:

It shall be unlawful to trap animals within the city limits of Payette, Payette County, Idaho. "Trapping" is defined as the ensnarement, capture, entrapment, killing or taking of animals for the purpose of removing, using, obtaining or selling animal pelts.

6.04.125: DEAD ANIMALS; REMOVAL REQUIRED; NONCOMPLIANCE AS MISDEMEANOR:

It shall be the duty of every person being the owner of, or having in his possession or under his control or charge, any horse or other animal which shall in any manner come to its death, within the corporate limits, to immediately remove the body or carcass of such animal beyond the limits of the city, and to bury or burn or otherwise dispose of the same, so that it shall not become offensive; and any person who neglects to comply with the provisions of this section, within twelve (12) hours after notice shall have been served upon him, shall be guilty of a misdemeanor.

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.

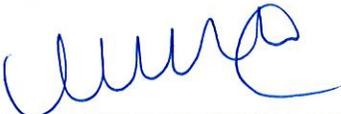
Section 6. Any violation of this ordinance shall be a misdemeanor.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 22nd day of November, 2017.

CITY OF PAYETTE, IDAHO

BY 
Jeffrey T. Williams, Mayor

ATTEST:



City Clerk