

ORDINANCE NO. 1447

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 6.08, SECTION 6.08.020(A)(1) LICENSE REQUIREMENTS; SECTION 6.08.108 DISPOSITION OF UNCLAIMED DOGS; AND SECTION 6.08.110 PENALTIES, TO COMPLY WITH IDAHO CODE; 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 6.08, Section 6.08.020 (A) (1) License Required, of the Payette Municipal Code is hereby amended to read as follows:

**6.08.020: LICENSE REQUIREMENTS:**

A. License Required:

1. Any person who shall own or keep any dog within the city limits ~~without having~~ shall first obtained a license therefor, ~~or without being~~ in compliance with this chapter, ~~shall be guilty of a misdemeanor~~;

**Section 2.** Title 6, Chapter 6.08, Section 6.08.108 Disposition of Unclaimed Dogs, of the Payette Municipal Code is hereby amended to read as follows:

**6.08.108: DISPOSITION OF UNCLAIMED DOGS:**

All unclaimed dogs impounded shall be kept for ~~three (3)~~ the number of days, ~~or~~ as required by Idaho Code. If possession of any dog is not recovered as above set forth, the dog may be disposed of by delivery to any person who will pay the license fee if the dog remains in the city of Payette, by delivery to a third party humane shelter, or the dog may be destroyed in a humane manner.

**Section 3.** Title 6, Chapter 6.08, Section 6.08.110 Penalties, of the Payette Municipal Code is hereby amended to read as follows:

**6.08.110: PENALTIES:**

A. Violations And Penalties:

1. A violation of Sections 6.08.020(A)(1), 6.08.030, 6.08.060(A) and (B) of this Chapter is an infraction punishable as provided in section 18-113A, Idaho Code.

2. A violation of all other Sections in this Chapter are subject to the provisions of section 25-2811, Idaho Code.

~~Any violation of this chapter shall be a misdemeanor punishable by fine and/or imprisonment up to, but not exceeding, the maximum penalties set forth in Idaho Code sections 18-113 and 50-302. In addition, any dog which is prohibited by this chapter, or which attacks a human being, any domestic animal, or any livestock, may be ordered destroyed when, in the court's judgment, such dog represents a continuing threat of harm to human beings, domestic animals, or livestock.~~ In addition, the judge may order any

dog destroyed which habitually creates a nuisance to any neighborhood or person. The conviction of an owner for a second or subsequent offense of allowing a dog to bark or create noise which is a nuisance to the neighborhood or another person, shall be sufficient to establish that a dog habitually creates a nuisance.

B. Payment Of Expenses: Any person found guilty of violating this chapter shall pay all expenses, including shelter, food, boarding and veterinary expenses necessitated by the seizure of the dog for the protection of the public, and such other expenses as may be required for the care or destruction of any such dog.

**Section 4.** This Ordinance may be published in summary form allowed by Idaho Code.

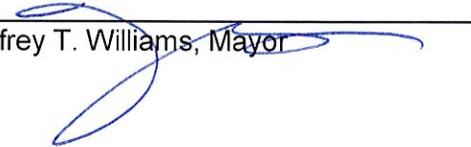
**Section 5.** This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

**Section 6.** Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

**Section 7.** 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.

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this 19 day of June, 2018.

CITY OF PAYETTE, IDAHO

BY   
Jeffrey T. Williams, Mayor

ATTEST:

  
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City Clerk