

ANIMAL CONTROL ORDINANCE NO. 246

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ORDINANCE NO. 246
CARE AND CONTROL OF ANIMALS

AN ORDINANCE OF THE CITY OF CLARK FORK, BONNER COUNTY, IDAHO REGULATING THE CARE AND RESPONSIBILITIES OF OWNERSHIP OF ANIMALS; ESTABLISHING THE PURPOSE OF THE ORDINANCE; DEFINING TERMS AS USED IN THE ORDINANCE; PROVIDING REPORTING AND RESPONSIBILITIES ASSOCIATED WITH THE DISEASE OF RABIES IN ANIMALS; PROVIDING CARE AND CONTROL PROVISIONS; PROVIDING STANDARDS FOR MAINTENANCE OF MULTIPLE ANIMALS; PROVIDING DOG LICENSING REQUIREMENTS; RESTRICTING OWNERSHIP OF NON-DOMESTIC AND FARM ANIMALS; PROVIDING ENFORCEMENT AND SEVERABILITY OF ORDINANCE PROVISIONS; PROVIDING MISDEMEANOR CRIMINAL PENALTIES FOR VIOLATIONS; REPEALING ORDINANCE NUMBER 213; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.

BE IT ORDAINED by the Mayor and City Council of the City of Clark Fork as follows:

Section 1.0 Statement of Purpose and Ordinance Name

Section 1.1 Statement of Purpose

It shall be the purpose of this Ordinance to provide standards and procedures for care and ownership of animals within the City of Clark Fork, Bonner County, Idaho. While this Ordinance does not address all aspects of animal ownership, it establishes minimum standards for animal care, control, and treatment in the interest of public safety and animal welfare. The responsibility for actions and behavior of animals remains with the owner.

Section 1.2 Ordinance Name

This Ordinance shall be referred to as the Clark Fork Animal Control Ordinance.

Section 2.0 Definitions

For the purpose of this Ordinance the following definitions shall apply:

A. **Abandon** – “Abandon” shall mean to leave an animal unattended for more than twenty-four (24) hours without making arrangements for its proper care, substance and shelter, or releasing the animal upon public highways or public or private lands.

B. **Abatement** - Causing an animal to be destroyed or requiring an animal to be taken out of the City of Clark Fork at the officer's discretion or upon specific direction of the Mayor or City Council of the City of Clark Fork in order to further the public safety in Clark Fork.

C. **Adult dog or cat** - Any dog or cat more than six (6) months of age.

D. **Altered** - A full ovarian hysterectomy in the case of the female and a complete removal of the testicles in the male. A vasectomized male dog does not qualify as an altered animal.

E. **Animal** - Shall include but not be limited to birds (including fowl and poultry), fish, amphibians, reptiles, mammals and non-human primates. Animals shall be classified as follows:

1. **Domestic:** "Domestic animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, ferrets, caged birds, caged pigeons, gerbils, hamsters, guinea pigs, iguanas, fish and other similar animals.

2. **Non-Domestic:** "Non-domestic animals" shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety and welfare of people. Unless otherwise defined, such animals shall include:

a. Any member of the large cat family including cougars, bobcats, leopards and jaguars.

b. Any natural wild member of the canine family including wolves, foxes, coyotes, dingoes and jackals.

c. Any member or relative of the rodent family not listed in paragraph (E, 1) of this section.

d. Any skunk (whether or not de-scented), or any member of the weasel or raccoon family.

e. Any poisonous, venomous, constricting or inherently dangerous member of the reptile or amphibian family.

3. **Farm:** "Farm animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equine family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese), swine (including pot-bellied pigs), goats, bees, llamas, alpacas, and other animals associated with a farm, ranch, or stable.

F. **At large** - Means being on any private property without permission of the person who owns or has a right to possess or use the property; or being unrestrained by a leash or secure chain on public or private property or being allowed to roam in any manner which presents substantial risk of interference with animal or public safety or welfare.

G. **Attack** - Shall mean biting, attempted biting or aggressively pursuing with the present ability to bite or injure a person.

H. **Council** - Means the City Council of Clark Fork, Bonner County, Idaho.

I. **Dog** - Means *canis familiaris* of either sex, altered or unaltered, or any other member of the *canis* genus if owned, kept or harbored.

J. **Leash** - Means any rope, leather strap, chain, or any other material not greater than six (6) feet in length, being held in the hand of a person capable of controlling or actually controlling the animal to which it is attached.

K. **Neutered** - Complete removal of the testicles in the male animal and the full ovarian hysterectomy in the case of the female animal.

L. **Officer** - Any police officer, Sheriff, Sheriff's Deputy, Animal Control Officer or other law enforcement officer or such other person as may be identified, nominated, appointed or designated by the Mayor and/or City Council of the City of Clark Fork, Bonner County, Idaho.

M. **Owner** - Any person who is the legal owner or any person who lawfully keeps, harbors or possesses any animal.

N. **Rabies Certificate Form** - Means a rabies certificate form issued by a licensed veterinarian.

To serve as a valid rabies certificate form, it must show:

1. The animal owner's name, address, and telephone number.
2. The animal's name, species, breed, color, sex and age.
3. The type, lot number and manufacturer of the rabies vaccine.
4. The date of the vaccination.
5. The date on which the vaccination expires.
6. The signature of the veterinarian who vaccinated the animal or other signature authorized by the veterinarian administering the vaccination.

O. **Rabies tag** - A piece of metal or other durable material evidencing vaccination against rabies inscribed with a date and number which has been issued by a veterinarian.

P. **Severe Injury** - Any physical injury to a human being that results in broken bones, muscle tears, severe bruising or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

Q. **Spayed** - Full ovarian hysterectomy in the female animal.

R. **Vicious animal** - Means any animal which:

1. Has twice bitten within a forty-eight (48) month period, attacked or otherwise caused injury to a person engaged in lawful activity or,
2. Has once attacked or bitten a person engaged in lawful activity causing death or severe injury.

Section 3.0 Rabies Vaccinations, Certificates, Tags Required For Dogs - Exemptions

A. Dog owners shall obtain a rabies vaccination for each dog they own, keep, harbor, or possess, within thirty (30) days after it becomes six (6) months of age, or within thirty (30) days after obtaining any dog over six (6) months of age. It shall be unlawful for any person to keep, harbor or possess any dog, unless such dog has a current rabies vaccination, administered by a licensed veterinarian, with a rabies vaccine approved for use in a dog. Such vaccinations shall be repeated at such intervals as determined by the type of vaccine used and licensing requirements of said vaccine.

B. Any veterinarian who vaccinates a dog for rabies shall so certify by properly completing a rabies certificate form.

C. Every dog owner shall securely affix the current rabies tag to the collar or harness of the dog for which it was issued, and shall ensure that the dog wears such rabies tag at all times.

D. A rabies tag issued for one (1) dog shall not be transferred or attached to another dog.

E. No person, other than the dog's owner shall remove a rabies tag or identification tag from such dog.

F. Notwithstanding any other provision of this Ordinance, a dog need not be vaccinated for rabies during an illness, if a licensed veterinarian has examined the dog, and has certified in writing that such vaccination should be postponed. Said temporary exemption shall be valid only for the duration of the illness or other medical condition for which it is granted. Any owner of a dog which has not been vaccinated for medical reasons shall retain written evidence of such exemption and shall produce it to the City upon demand.

Section 4.0 Reporting Suspected Cases of Rabies

A. Any owner of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that the animal may have rabies shall notify the City and the Panhandle Health District.

B. Upon the order of the City or the Panhandle Health District, a suspected rabid animal shall be isolated in strict confinement under the proper care and observation of a licensed veterinarian, in a veterinary hospital, animal shelter or other facility approved by the City or the Panhandle Health District.

Section 4.1 Reporting of Bites

All persons bitten, and parents or guardians of minor children bitten, by a dog, cat, skunk, fox, coyote, bobcat, or other animal of a species subject to rabies shall notify the City and the Panhandle Health District as soon as possible thereafter. Physicians treating such bites, and other persons having knowledge of such bites, shall notify the City and the Panhandle Health District when the bite occurs within the City.

Section 4.2 Isolation of Biting Animals

Any animal, except cats and dogs, subject to rabies which bites shall be isolated in strict confinement in a place and manner approved by the City or the Panhandle Health District for at least fourteen (14) days after the date of the bite. Dogs or cats shall be so isolated and observed for at least ten (10) days after the infliction of the bite or exposure. Dogs and cats which have been isolated under the immediate supervision of a licensed veterinarian may be released on the fifth day if, upon examination by the veterinarian, the veterinarian certifies in writing that no clinical signs or symptoms of rabies exist. Notwithstanding all of the foregoing provisions, the Mayor, City Council or Officer, with or without the permission of the owner of the animal if known, may authorize the euthanasia of the animal for the purposes of laboratory examination. Prior to involuntary euthanasia, a dog's owner shall be notified, if possible, and accorded an opportunity to be heard prior to the abatement of the owner's dog. Such opportunity shall be provided as promptly as possible but in no case later than the onset of the need to administer anti-rabies vaccine. In such instance the protection of public health shall take priority over the hearing prescribed herein.

Section 5.0 Injuries and Diseases: Responsibility, Cost and Fees

A. No person shall knowingly harbor or keep any animal with a serious injury, or inflicted with mange, ringworm, distemper or any other contagious disease, unless such animal is being given adequate treatment for such disease or injury supervised by a licensed veterinarian.

B. The City may take immediate possession of a diseased or injured animal, not being adequately treated, or not responding to treatment, and transport the animal to a place of safe custody or a veterinarian's office, or humanely destroy the animal if such animal is beyond recovery, unless the owner places such animal under the control and treatment of a veterinarian forthwith.

C. The owner of such animal in the possession of the City for injury or disease shall pay all fees and expenses related to treatment, including but not limited to any transportation, confinement, board, veterinary care and associated treatment cost and any protective impoundment fees, including all fees authorized or paid by the City in aid of the animal. Failure to pay said costs and fees shall preclude return of the animal to its owner, except as set forth at paragraph (D) below. City officials are authorized to expend public funds for purposes set forth herein.

D. The City may waive all or part of any costs and fees when such costs and fees would create an undue hardship upon the owner and when such waiver would serve the best interests of the animal. The City may also make arrangements for return of the animal to the owner and postpone the payment of all or part of any costs and fees when such arrangement would serve the best interests of the animal.

Section 6.0 Animal Control

A. Dog owners shall at all times prevent their dogs from being at large; either on a leash in the control of someone capable of controlling the dog or tied or fenced on their owner's or caretaker's property or inside a vehicle or similarly physically confined so that said dog is without access to passers-by. Failure of an owner or handler to comply shall be in violation of this ordinance. However, dogs may be free from a leash while participating in organized field and obedience trials, while actively being engaged in herding livestock, while assisting a peace officer engaged in law enforcement duties, or while hunting pursuant to Idaho Fish and Game regulations. Every dog shall wear a collar or harness displaying a current license and rabies tag except when engaging in otherwise authorized activities. Dog owners shall securely confine their female dogs within an enclosure while in season.

B. No person shall allow an animal in his/her care to become a nuisance to neighboring property owners due to odor, noise, or accumulation of fecal matter. It shall be unlawful for any person to allow a dog subject to his care or control to bark, yelp, howl, whine, cry, or make other noises audible off the owner's property intermittently for a single period in excess of thirty minutes or continuously for periods in excess of ten minutes such that peaceful enjoyment of neighboring properties is materially diminished. If, after written notice of excessive barking has been transmitted to the owner or caretaker by the City, a dog is allowed to bark, yelp, howl, whine, cry, or make other noises in excess of the limits established hereby, within a period of six months, such conduct shall constitute a violation of this ordinance. It is not a defense that prior warnings or citations involved different animals.

C. No person shall treat an animal in a cruel or inhumane manner or willfully or negligently cause or permit any animal to suffer unnecessary torture or pain.

D. No person shall abandon any animal on any public or private property, or allow any animal to be without potable water, food or shelter from the elements in order to sustain life, except an animal under the care of a licensed practicing veterinarian.

E. No person shall willfully administer any poisonous substance to an animal on the property of another, or place any poisonous substance where it would attract an animal, with the intent that the poison shall be taken, ingested or absorbed by such animal, except that the provision of this section shall not apply to the poisoning of rodents, vermin or declared agricultural pests conducted in accordance with the laws and rules covering such animals.

Section 6.1 Vicious Animals

A. For the purpose of the imposition of the restrictions contained in this Ordinance, a "Vicious Animal" shall be deemed to include any animal as defined in Section 2.0 (R) of this Ordinance.

B. No animal shall be deemed vicious if any injury or damage is sustained by a person who, at the time of the injury or damage was sustained, was committing a trespass or other tort upon the premises occupied by the owner or keeper of the animal or was tormenting, abusing, or assaulting the animal, or was committing or attempting to commit a crime.

C. No animal shall be deemed vicious if the animal was protecting or defending a person from a physical attack or assault.

D. Any person owning or having custody or control of a vicious animal shall be deemed to have violated this ordinance if, as a result of that person's failure to exercise reasonable care, the animal injures any other person or animal engaged in lawful activities.

E. Any person who possesses, harbors, keeps or owns a vicious animal within the meaning of this Ordinance shall:

1. Keep such animal restrained in a manner which prevents any further attacks or bites.

2. Notify the City in the following manner and provide accordingly:

Residents of the City of Clark Fork who sell or in any way transfer the ownership, custody, care or residence of a vicious animal to another resident of Clark Fork who intends to keep the vicious animal within the City of Clark Fork shall, at least fourteen (14) days prior to the sale or transfer of ownership or residence, inform the City in writing of the name, address and telephone number of the new owner or custodian and new residence location within the City of Clark Fork. Said notification shall include the name and description of the animal. The owner shall, in addition, notify the new owner, in writing, of the detail of the animal's record and the terms and conditions of the animal's maintenance. Prior to placement of the vicious animal at its new home, the City of Clark Fork shall be called to inspect the premises. If the premises do not conform to the standards set by this Ordinance, the vicious animal shall not assume residence. Failure to comply with these requirements shall constitute a violation of this Ordinance.

3. While on the owner's property, a vicious animal must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of, or intrusion by young children and designed to prevent the animal from escaping. Such pen or structure for an animal must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If the structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two (2) feet. The enclosure must also provide adequate protection from the elements for the animal. Each such enclosure must be surrounded by a secondary fence or other barrier which would prevent a child or others from reaching the vicious animal by any foreseeable means.

4. The owner or keeper shall display a sign on his or her premises warning that there is a vicious animal on the property. This sign shall be legible from the nearest public access. In addition, the owner shall conspicuously display a sign with a symbolic warning for children indicating the presence of the vicious animal.

5. The owner or keeper of the vicious animal shall at any time allow the City of Clark Fork, its agents or assigns, or any peace officer to inspect the premises where the vicious animal is located to ensure compliance with this Ordinance and any order of a court respecting the keeping of the vicious animal.

6. The vicious animal, male or female, shall be altered within ten (10) days of having been declared vicious, unless clinically advised otherwise by a licensed veterinarian. The cost of alteration shall be borne by the owner or keeper of the vicious animal.

7. The owner or keeper of any vicious animal shall pay an inspection fee as set by resolution of the Clark Fork City Council and show proof that liability insurance in the amount of five hundred thousand (\$500,000) dollars is in place, specifically stating that the animal(s) is covered. Said inspection fee shall offset the cost of annual inspection of the premises by the City of Clark Fork.

8. No animal which has been declared vicious pursuant to this Ordinance shall be taken into any public place, other than to a veterinarian's office, regardless of the control measures undertaken by the animal's handler.

9. The owner of a declared vicious animal shall notify the City Clerk and/or the City's Animal Control Officer, or any peace officer immediately in the event the animal escapes. The owner shall make every possible effort to recapture such animal immediately and to warn others of its release.

Section 7.0 Animals In or Upon Vehicles

A. No person shall leave an animal in any unattended vehicle, trailer, or conveyance without adequate security to protect the public, or without adequate ventilation, or in any manner as to subject the animal to extremes of temperature which could adversely affect the health or welfare of the animal.

Upon discovery of an animal so confined and adversely affected, or posing an immediate threat to the safety of the public, the sheriff, any peace officer or animal control officer, or any City Official, is hereby authorized to use the minimum effective force to open such vehicle, trailer or conveyance to rescue such animal, take possession of such animal in a protective impoundment and/or immediately transport such animal to a licensed veterinarian for care.

B. Any animal being transported in or upon any vehicle shall be tethered to such vehicle in a manner that will prohibit the animal from falling or being ejected from the vehicle.

Section 8.0 Authorization for Protective Impoundment and Fees

A. The City of Clark Fork or its animal control officer, or the Sheriff or his/her designee is hereby authorized to place any injured, diseased, cruelly or inhumanely treated animal in protective impoundment, and transport such animal to a licensed veterinarian for care. Such protective impoundment and transportation shall be indicated for any animal known or suspected to have suffered an injury, accidental or deliberate, and exhibiting such signs as shock, temperature fluctuation, tremors, swelling, broken bones, open wounds, inability to eat, drink or stand, blistering, irregular or abnormal breathing, partial or total paralysis, irrational behavior, orificial discharge or bleeding or similar indications of injury, disease, abuse or neglect.

B. The Sheriff or any City official is hereby authorized to place any animal in protective impoundment when the animal's owner is incarcerated or incapacitated and the animal would otherwise be left without care.

C. The owner of an animal placed in protective impoundment shall be responsible for payment of a "humane pickup" fee, for each animal placed in such protective impoundment and transported for care. The "humane pickup" fee shall be set by resolution of the Clark Fork City Council.

Section 8.1 Release of Animals from Protective Impoundment

A. Any owner may obtain the release of an animal placed in protective impoundment, where no other violation of this Ordinance has occurred, by paying the full cost of all veterinary care, any costs of feed, shelter or custodial care, and the humane pickup fee upon certification by a licensed veterinarian that the animal has returned to health.

B. Any animal placed in protective impoundment which remains unclaimed by the animal's owner for a period of two (2) weeks after the animal is certified to have returned to health, and any animal placed in protective impoundment whose owner refuses to pay the fees set by Council resolution as specified in Section 8.01 (A) above, shall become eligible for placement with an animal shelter for adoption, sale or auction at the discretion of the City upon a determination of the best interests of the animal.

C. The City may waive all or part of any costs and fees when such costs and fees would create an undue hardship upon the owner and when such waiver would serve the best interest of the animal. The City may also make arrangements for return of the animal to the owner and allow postponement of the payment of all or part of any costs and fees when such arrangement would serve the best interests of the animal.

Section 8.2 Liability of Owner for Humane Pickup Fees

The humane pickup fee set forth in this Ordinance shall be deemed a fee for service rendered and remain the responsibility of the owner of the animal, even in the instance where such owner refuses to redeem such animal, or in the instance where a court delivers custody of the animal to any person other than the owner. The City may institute appropriate proceedings to recover such fee(s) as a separate action or as a part of any prosecution for violation of this Ordinance.

Section 9.0 Impounded Animals

A. Any peace officer, animal control officer or any other person authorized by the City of Clark Fork may seize and impound any animal without a collar or harness bearing evidence of current license or vaccination as required by this Ordinance, and any and all dogs and other animals found running at large upon the public streets, alleys or other public places or on private premises without the permission of the owner of said premises, or any and all vicious animals. An owner of a dog or dogs which is impounded as a result of running at large or which is without the required harness, collar, license, or evidence of vaccination shall be liable for the service fees authorized by this ordinance. Animal care and compliance is the responsibility of the dog owner. Cumulative violations of this Ordinance are the source of increased costs to the city; therefore multiple violations within a calendar year shall be subject to enhanced service fees as set by resolution of the Clark Fork City Council.

No dog which has been impounded shall be released to its owner until all fees required by this ordinance and any reasonable veterinary charges incurred have been paid in full or until satisfactory alternative arrangements for payment have been made with the City Clerk.

B. Any peace officer or animal control officer or other person designated by the City of Clark Fork is authorized to enter private property to take possession of and impound any animal whenever the peace officer or other authorized person is in fresh pursuit of an animal which is in violation of a provision of this Ordinance at the time the animal enters onto private property or non-enclosed non-dwelling buildings.

C. Any person who shall hinder, delay, interfere with or obstruct the animal control officer or any peace officer or person authorized by the City of Clark Fork to enforce this Ordinance, in the capture, securing or taking to an animal shelter any animal to be impounded, or who shall open or in any manner directly or indirectly aid, counsel or advise the opening of any animal control cage, ambulance, wagon or other vehicle used for the collection or conveyance of animals to the animal shelter shall be deemed to have violated this Ordinance.

D. All unidentified impounded animals shall be held for a minimum of three (3) working days after which time they become the property of the City of Clark Fork. All identified impounded animals shall be held for five (5) working days after which they become the property of the City of Clark Fork. A notice of impoundment may be mailed by the City to the last known address of an identified owner. Such animals may be disposed of by the City or offered for sale in an amount to be determined by the City.

E. Animals may be adopted from the shelter once they have been resident at the shelter for the time periods specified in Section 9.0 (D). The City of Clark Fork may charge an adoption fee as

set by resolution of the City Council and a refundable deposit sufficient to cover the cost of vaccination and alteration. The new owner shall submit proof to the City within thirty (30) days or within thirty (30) days of the animal becoming six (6) months of age that a rabies vaccination has been obtained and the animal has been altered. Upon such proof the City will refund the deposit and issue a certificate of compliance. No refund of deposit will be given after thirty (30) days unless delayed by a Veterinarian.

Section 9.1 Abatement Proceedings - Habitual Offender

A. Any animal that has been impounded for more than three (3) times in any one-year period of time, or whose owner has been charged more than three (3) times in any one-year period of time for misdemeanor violation of this Ordinance for which he was held to have violated said Ordinance, or any combination of impoundments and/or misdemeanor violations more than three (3) times in any one-year period of time, may be abated by the City of Clark Fork.

B. The City of Clark Fork, its Animal Control Officer or assigns shall notify the owner of an animal to be abated for being a habitual offender of its intent to do so. Notification shall be attempted by certified mail to the owner's last known address, in addition to notice by first class mail. The owner shall have ten (10) working days to request a hearing before the City Council. In the event the owner fails to request such a hearing, the declaration shall become effective at the end of the ten (10) day period. In the event the owner of the animal requests such a hearing, the City Council shall hold such a hearing within fourteen (14) days or in any case as soon as possible. During such a hearing the owner of the animal may present evidence regarding the facts of the case. The City of Clark Fork shall present all pertinent information during such a hearing. The hearing shall not exceed one hour in length. The City Council shall advise the owner of the animal of its findings within ten (10) days of the hearing. In the event the animal has been impounded in this time period the owner shall pay all boarding fees, impound fees, medical treatment costs, and quarantine fees regardless of the outcome of the hearing.

Section 10.0 Maintenance of Multiple Animals

A. Any person who owns, harbors, keeps or maintains more than three (3) adult dogs or more than three (3) adult cats, on any single parcel or aggregated parcels of real property shall be deemed to be maintaining multiple animals.

B. The maintenance of multiple animals shall be conducted in compliance with the terms of this Ordinance, and shall not result in the creation of a public nuisance due to odor, noise, or collection of fecal matter.

C. A kennel license shall be required for anybody keeping multiple animals, including boarding, grooming, and or animal care services, excluding licensed veterinarians. Kennel license fees shall be as established by resolution of the City Council.

D. Any violation of this Section shall be cause for suspension or revocation of a license. Upon any reapplication, and after verification by the City that the kennel has been brought into full compliance with this Ordinance, the first-year Kennel license fee will again be required prior to reissuing the license.

Section 10.1 Standards for Maintenance of Multiple Animals

In addition to the requirements of this Ordinance for the health, control and care of all animals, the owner of multiple animals shall be responsible for compliance with the following standards for the maintenance of multiple animals.

A. Food shall be wholesome, palatable, and free from contamination. Food shall be provided in sufficient quantity and be of adequate nutritive value to maintain all animals. All water receptacles shall be kept clean and sanitary, be of appropriate design and size for the animal, and be positioned or affixed to prevent spills.

B. Both indoor and outdoor enclosures shall receive cleaning as necessary to remove excreta, dirt, and debris, so as to minimize disease hazards, odor and danger to animals and the public.

Section 10.2 Standards for Maintenance of Multiple Animals in Outdoor Enclosures

The owner of multiple animals kept in outdoor enclosures shall be responsible for compliance with the following standards:

A. Space available to animals shall be usable, maintained in a safe and healthful manner and have a dry resting or loafing area, free of accumulated waste and debris. Where animals are kept in permanent enclosures, pens, kennels, etc., the minimum space available for each animal shall be:

No. of Animals*	Small (to 25lbs)	Medium (25-30 lbs)	Large (over 30lbs)
1	3'x7' (21 sq ft)	6'x10' (60 sq ft)	8'x10' (80 sq ft)
2	4'x8' (32 sq ft)	8'x10' (80 sq ft)	8'x12' (96 sq ft)
3	5'x9' (45 sq ft)	8'x12' (96 sq ft)	10'x14' (140 sq ft)
4	8'x10' (80 sq ft)	10'x12' (120 sq ft)	12'x16' (192 sq ft)

*Number of animals kept in the individual enclosure.

Dimensions are advisory, square footage is required. Ratio of length to width of enclosure must be within 10% of the ratio required hereby.

B. All animals kept in outdoor enclosures shall have access to shelter that provides protection from inclement weather conditions (wind, rain, snow) and shade from the sun during hot weather. Shelter shall be well constructed and appropriate for the species, age, physical condition and hair coat of the animals.

Section 10.3 Standards for Maintenance of Multiple Animals in Cages

The owner of multiple animals kept in cages shall be responsible for compliance with the following standards:

A. Caging for small animals and rodents, such as guinea pigs, rabbits, and hamsters shall be of size sufficient to permit normal activity levels, contain a place to burrow or nest and space or apparatus necessary for the animal to exercise.

B. Cats confined in cages must be provided with litter pans and litter material. Litter pans shall be cleaned and litter materials changed as necessary to prevent odor and accumulation of urine and fecal matter.

C. Cage confinement of dogs and cats should not compromise the health and wellbeing of the detained animal, except upon veterinary advice, transport or enforced rest to promote healing of an injury, disease, or medical condition.

D. Dogs confined in cages shall be exercised outside of the cage with sufficient frequency to maintain their health and fitness, with cages to be kept free of urine and fecal matter.

E. Cages in which birds, amphibians, reptiles, and fish are kept shall be sufficient size to permit normal levels of activity for the confined animal.

Section 11.0 Dog Licensing Requirements

A. On or before January 1 of each year, the owner or keeper of dogs more than six (6) months old within the City of Clark Fork shall procure from the City Clerk or the City's animal control officer a tag for each dog and pay a license fee annually thereafter.

B. The City Council of the City of Clark Fork shall, by resolution, establish a license fee to be charged and assessed for each dog subject to licensure. Thereafter, the City Council of Clark Fork may periodically, by resolution, amend and modify the amount of such license fee and such other charges and fees as may be established or authorized by this ordinance. Each such license fee or modified or amended license fee shall be effective from the first day of January of such year until the 31st day of December of that year. A certificate of a veterinarian certifying that the dog has been neutered shall be presented at the time of obtaining the license to qualify for the reduced rate. If no certificate is available, other suitable proof will be required. Proof of rabies vaccination must be shown before a license can be given. License fee will be prorated quarterly for any partial years. Dogs providing services for the disabled and police dogs shall not be obliged to pay the required license fee.

C. The City Clerk is hereby authorized to procure at the expense of the City a number of suitable tags properly numbered, bearing the date thereof, properly stamped and marked thereon as may be deemed necessary. Upon payment of the sum specified by resolution of the City Council which may be adopted or amended periodically hereafter, the City Clerk or animal control officer is authorized to issue a receipt showing the name of the person paying the license fee, the name and description of the dog for which the license is paid and the number of the tag issued. In event of loss of license tag, a duplicate, so stamped, shall be provided the owner by the City, at a reasonable cost to the owner for each duplicate tag.

D. Owners and keepers of dogs visiting within the City of Clark Fork for less than sixty (60) days shall not be required to license their dog. They must show proof of rabies vaccination on request and abide by all other provisions of this Ordinance.

Section 12.0 Non-Domestic Animals

A. Keeping of Non-Domestic Animals Restricted. No person, partnership or corporation shall possess or harbor any Non-Domestic animal(s) within the City of Clark Fork.

B. Anyone in possession of a non-domestic animal(s) at the time this Ordinance is enacted shall meet the following requirements to keep the animal(s):

1. Obtain a permit from the City Clerk or Animal Control Officer within 90 days from the publication of this Ordinance. Permits shall be valid for one year from the date of issue, will be renewed if the owner is in compliance, and will be revoked at any time for non-compliance. Such permit shall include the identification of any individual non-domestic animal(s) allowed to be kept upon the premises, or the maximum allowable number of animals of a particular species allowed to be kept on premises as required by the City of Clark Fork.
2. Keep the animal in a tightly secured cage or pen and restrained at all times. The animal(s) must be muzzled or caged when transported.
3. Provide the City of Clark Fork written proof from a licensed veterinarian that the animal(s) has been spayed or neutered, or written statements from a licensed veterinarian why the animal(s) cannot or should not be spayed or neutered. Proof of rabies vaccination must be shown before a permit can be given.

C. Obtaining a Permit to Possess a Non-Domestic Animal: No person shall be granted a permit to possess a non-domestic animal(s) unless an application has been submitted and approved by the City Council of the City of Clark Fork. All permit fees, as set by resolution of the City Council, shall be paid before issuance of a permit. Such application shall include:

1. A site plan and drawing that will include property lines, existing structures and buildings and the location and size of the proposed cage or pen. The area and materials used must be in compliance with standards set by the City of Clark Fork, based on the size and nature of the animal.
2. Proof that liability insurance in the amount of five hundred thousand (\$500,000) dollars is in place, specifically stating that the animal(s) is covered.
3. A signed statement granting the City's Animal Control Officer freedom to inspect the area as necessary to assure the health and safety needs are being met.
4. Proof of being in compliance with all other local government unit laws and ordinances concerning the keeping of non-domestic animals.
5. Identification of the animal(s) to be kept on premises, to include species, age, and physical description of each individual animal, such that the individual animal can be positively identified. In the case of a U.S. Department of Fish and Game licensed caregiver for non-domestic animals, who keeps animals for the purpose of rehabilitation and re-release into their native habitat, it shall be sufficient to provide a list of the species, and the number of animals, such caregiver intends to harbor on his premises.

Notwithstanding any other provision of subsection (C), the City of Clark Fork shall have the authority to deny any application submitted for the keeping of a non-domestic animal if the City deems that keeping such animals would constitute a nuisance or threat to public safety or would violate any other provision of this Ordinance, State or Federal law.

The City of Clark Fork shall not issue a permit to any person who has at any time been convicted of animal cruelty, abuse or neglect except upon a court order following a show cause hearing wherein the person seeking the permit has shown that he or she can and will maintain the animal for which a permit is sought in a safe and humane manner, and in accordance with this section, state, and federal law.

D. The City of Clark Fork's Animal Control Officer may impound any animals found in violation of this section.

Section 13.0 Farm Animals

Except as restricted by applicable City zoning regulations and the exemption listed in Section 13.2, it shall be unlawful for any person to stable, keep, pasture or maintain within the City limits any farm animals or bees unless all of the following criteria are met:

A. Minimum lot size is one (1) acre [forty three thousand five hundred sixty (43,560) square feet]; and

B. No structure to house the animal(s) or bees is within twenty-five (25) feet of a property line; and

C. The animal(s) is (are) kept within a fenced area. The fenced area shall be no closer than twenty-five (25) feet to adjacent property lines.

Section 13.1 Farm Animals Located within the City Prior to the Effective Date of this Ordinance on Property Not Meeting the Minimum Lot Size

The stabling, keeping, pasturing or maintaining of farm animals located within the City prior to the effective date of this ordinance on property not meeting the minimum lot size requirement may continue provided the following criteria are met:

A. There shall be no increase in the number of animals and animals may not be replaced once removed from the property.

B. The keeper of farm animals must comply with the provisions of Section 10.02 of this Ordinance.

C. The animal(s) shall not become a nuisance to neighboring property owners due to odor, noise, or accumulation of fecal matter.

D. The property owner must obtain a permit from the City Clerk or Animal Control Officer within 90 days from the publication of this Ordinance. Such permit shall include the identification of any individual farm animal(s) allowed to be kept upon the premises, and the number of animals of a particular species allowed to be kept on premises as required by the City of Clark Fork. Permits may be revoked at any time for non-compliance.

1. Obtaining a Permit to Possess a Farm Animal: No person shall be granted a permit to possess a farm animal(s) unless an application has been submitted and approved by the City Council of the City of Clark Fork. Such application shall include:

- a. A site plan and drawing that will include property lines, existing structures and buildings and the location and size of the proposed enclosures. The area and materials used must be in compliance with standards set by the City of Clark Fork, based on the size and nature of the animal.
- b. A signed statement granting the City's Animal Control Officer permission to inspect the area as necessary to assure the health and safety needs are being met.
- c. Submit proof of being in compliance with all other local government unit laws and ordinances concerning the keeping of farm animals.
- d. Identification of the animal(s) to be kept on premises, to include species, age, and physical description of each individual animal, such that the individual animal can be positively identified.
- e. The City of Clark Fork shall have the authority to deny any application submitted for the keeping of farm animals if the City deems that keeping such animals would constitute a nuisance or threat to public safety or would violate any other provision of this Ordinance, State or Federal law.
- f. The City of Clark Fork shall not issue a permit to any person who has at any time been convicted of animal cruelty, abuse or neglect except upon a court order following a show cause hearing wherein the person seeking the permit has shown that he or she can and will maintain the animal for which a permit is sought in a safe and humane manner, and in accordance with this section, state, and federal law.

E. The City of Clark Fork may, at its discretion, require additional conditions, standards and/or regulations than those provided in this section.

F. The City of Clark Fork's Animal Control Officer may impound any animals found in violation of this section.

Section 13.2 Exemption to Existing Farm Use and Permit Application

Farm land or property that is larger than one (1) acre within the City and currently in use as a farm and having farm animals on said property are exempt from the provisions of this ordinance except as restricted by applicable City zoning regulations.

A. Upon the sale of property as listed in Section 13.2, the provisions of this section shall apply as long as the property is continuously used and maintained as a farm.

B. All farm land or property currently in use as a farm within the City shall be grandfathered as farm use.

C. Permits: All current and future owners of property used as a farm shall obtain a non-fee permit provided the land use does not change. The permit will be solely used for tracking purposes

Section 14.0 Enforcement

A. The Clark Fork City Council is authorized to appoint an Animal Control Officer to enforce the provisions of this Ordinance.

B. The Animal Control Officer is authorized to enforce the provisions of this Ordinance. The Animal Control Officer is hereby authorized to make all necessary seizures and remove and keep any animal in violation of the provisions of this Ordinance.

C. The City's animal control shelter is the official shelter to which animals found in violation of this Ordinance shall be taken for impoundment and safe treatment.

Section 15.0 Violation

More than two violations of the licensing, rabies vaccination, or collar/harness requirements of this Ordinance, or any single violation of any other provision of this Ordinance, shall be punishable as a misdemeanor, subject to imprisonment in a county jail not exceeding six (6) months, or by a fine not exceeding one thousand (\$1,000) dollars, or by both. Each day of violation is considered a separate offense.

Section 16.0 Severability

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

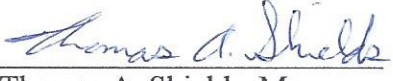
Section 17.0 Repeal of Ordinances

This Ordinance hereby repeals Ordinance Number 213 and all previous ordinances of the City of Clark Fork to the extent of conflict herewith.

Section 18.0 Effective Date and Publication

This Ordinance shall take full force and effect following its approval, passage, and publication according to law.

APPROVED as an Ordinance of the City of Clark Fork, Idaho this 14th day of AUGUST, 2006.


Thomas A. Shields, Mayor

CITY COUNCIL MEMBERS:	Yes	No	Abstain	Absent
Russell W. Schenck	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
H. Lynn Siple	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Brian Lee Cantrell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda V. Reed	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Attest: Jonell Davisson
Jonell Davisson, City Clerk



67-6520. Hearing examiners.

Hearing examiners include professionally trained or licensed staff planners, engineers, or architects. If authorized by local ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided in section 67-6509, Idaho Code, hearing examiners may be appointed by a governing board or zoning or planning and zoning commission for hearing applications for subdivision, special use and variance, change of district boundary, and other matters. Notice, as provided in section 67-6509, shall be given to the governing board or commission. The governing board or commission may, upon application, evaluate the application. (1975)

An applicant denied a permit or aggrieved by a decision may within twenty-eight (28) days after all appellate remedies have been exhausted under local ordinance seek judicial review as provided by chapter 52, title 67, Idaho Code. (1996)

67-6521. Actions by affected persons.

(1) (a) As used herein, an affected person shall mean one having an interest in real property which may be adversely affected by the issuance or denial of a permit authorizing the development.

(b) Any affected person may at any time prior to final action on a permit required or authorized under this chapter, if no hearing has been held on the application, petition the commission or governing board in writing to hold a hearing pursuant to section 67-6512, Idaho Code; provided, however, that if twenty (20) affected persons petition for a hearing, the hearing shall be held.

(c) After a hearing, the commission or governing board may:

(i) Grant or deny a permit; or

(ii) Delay such a decision for a definite period of time for further study or hearing. Each commission or governing board shall establish by rule and regulation a time period within which a recommendation or decision must be made.

(d) An affected person aggrieved by a decision may within twenty-eight (28) days after all remedies have been exhausted under local ordinances seek judicial review as provided by chapter 52, title 67, Idaho Code.

(2) (a) Authority to exercise the regulatory power of zoning in land use planning shall not simultaneously displace coexisting eminent domain authority granted under section 14, article I, of the constitution of the state of Idaho and chapter 7, title 7, Idaho Code.

(b) An affected person claiming "just compensation" for a perceived "taking," the basis of the claim being that a specific zoning action or permitting action restricting private property development is actually a regulatory action by local government deemed "necessary to complete the development of the material resources of the state," or necessary for other public uses, may seek a judicial determination of whether the claim comes within defined provisions of section 14, article I, of the constitution of the state of Idaho relating to eminent domain. Under these circumstances, the affected person is exempt from the provisions of subsection (1) of this section and may seek judicial review through an inverse condemnation action specifying neglect by local government to provide "just compensation" under the provisions of section 14, article I, of the constitution of the state of Idaho and chapter 7, title 7, Idaho Code. (1996)

67-6522. Combining of permits - Permits to assessor.

Where practical, the governing board or zoning or planning and zoning commission may combine related permits for the convenience of applicants. State and federal agencies should make every effort to combine or coordinate related permits with the local governing board or commission. Appropriate permits as defined by local ordinance shall be forwarded to the county assessor. (1975)

67-6523. Emergency ordinances and moratoriums.

If a governing board finds that an imminent peril to the public health, safety, or welfare requires adoption of ordinances as required or authorized under this chapter, or adoption of a moratorium upon the issuance of selected classes of permits, or both, it shall state in writing its reasons for that finding. The governing board may then proceed without recommendation of a commission, upon any abbreviated notice of hearing that it finds practical, to adopt the ordinance or moratorium. An emergency ordinance or moratorium may be effective for a period of not longer than one hundred and twenty (120) days. (1975)

67-6524. Interim ordinances and moratoriums.

If a governing board finds that a plan, a plan amendment, or an amendment to a plan is being prepared for adoption, it may adopt interim ordinances as required or authorized under this chapter, following the notice and hearing procedures provided in section 67-6509, Idaho Code. The governing board may also adopt an interim moratorium upon the issuance of selected classes of permits. If the governing board finds that an imminent peril to the public health, safety, or welfare requires adoption of an ordinance or moratorium, it may adopt an ordinance or moratorium for a period of not longer than one hundred and twenty (120) days. (1975)

67-6525.

Prior to adoption of a plan, a plan amendment, or an amendment to a plan, the governing board shall request and receive recommendations from the zoning commission and the city council. The governing board shall also request and receive recommendations from the city council and the city council shall request and receive recommendations from the zoning commission. The governing board shall also request and receive recommendations from the city council and the city council shall request and receive recommendations from the zoning commission. (1975)

67-6526. Areas of city impact.

(a) The governing board of a city shall, adopt by ordinance following the notice and hearing procedures provided in section 67-6509, Idaho Code, a map identifying an area of city impact. The area of city impact shall be a map of the county. A separate ordinance shall be adopted providing for application of plans and ordinances to the area of city impact. Subject to the provisions of section 50-222, Idaho Code, an area of city impact must be established before a city may annex adjacent territory. This separate ordinance shall provide for one of the following:

(1) Application of the city plan and ordinances adopted under this chapter to the area of city impact; or

(2) Application of the county plan and ordinances adopted under this chapter to the area of city impact; or

(3) Application of any mutually agreed upon plan and ordinances adopted under this chapter to the area of city impact.

Areas of city impact, together with plan and ordinance requirements, may cross county boundaries by agreement of the city and county concerned if the city is within three (3) miles of the adjoining county.

(b) If the requirements of section 67-6526(a), Idaho Code, are not met, the county commissioners for the county concerned, together with three (3) elected city officials designated by the mayor of the city and confirmed by the council, shall, within thirty (30) days after the city officials have been confirmed by the council, select three (3) city or county residents. These nine (9) persons shall, by majority vote, recommend to the city and county governing boards an area of city impact together with plan and ordinance requirements. The recommendations shall be acted upon by the governing boards within sixty (60) days of receipt. If the city or county fails to enact ordinances providing for an area of city impact, plan, and ordinance requirements, the city or county may seek a declaratory judgment from the district court identifying the area of city impact, and plan and ordinance requirements. In defining an area of city impact, the following factors shall be considered:

(1) trade area;

(2) geographic factors; and

SECTION 2R AMENDED
By ORD # 246-1

AFFIDAVIT OF PUBLICATION

STATE OF IDAHO)

) ss.

County of Bonner)

Sherilyn Jones, being first duly sworn on oath, deposes and states:

1. I am a citizen of the United States of America, over the age of 18 years, a resident of Bonner County, Idaho, and am not a party to the proceedings referred to in the attached Ord. 246
My business address is P.O. Box 159, Sandpoint, Idaho.

2. I am the Book Keeper of the Bonner County Daily Bee, a newspaper of general publication in Bonner County, Idaho;

3. Said newspaper has been continuously and uninterruptedly published in Bonner County, Idaho during a period of 12 months prior to the first publication of said Notice, and thereafter.

4. The attached Notice was published in the regular and entire issue of the Bonner County Daily Bee for a period of 1X consecutive weeks, commencing on the 29 day of Aug, 2006, and ending on the 29 day of Aug, 2006.

Sherilyn Jones

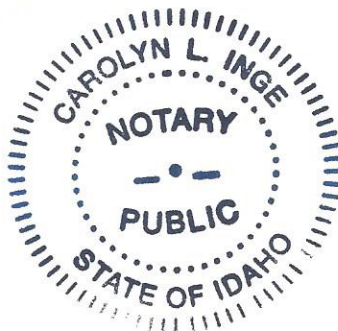
SUBSCRIBED AND SWORN to before me, the undersigned Notary Public, this 29 day of Aug, 2006

Carolyn L. Inge

Notary Public

Residing at: Sandpoint

Comm. Exp.: 8/12



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