

## **ANIMAL CONTROL ORDINANCE NO. 277**

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**ORDINANCE NO. 277  
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 262; AND PROVIDING FOR AN EFFECTIVE DATE AND PUBLICATION.**

**BE IT ORDAINED** by the Mayor and City Council of the City of Clark Fork in accordance with the laws of the state of Idaho, including but not limited to Idaho Code Sections 5-319 and 25-2810, and to protect the health and safety of the occupants 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**

As used in this chapter, unless the context otherwise indicates, the following words shall be defined to mean:

**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.

**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.

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

**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.



**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, or any crossbreeds between naturally wild animals and domestic animals, such as the crossbreed between a wolf and a dog.
- c. Any member or relative of the rodent family such as squirrels 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.
- f. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this definition, including, but not limited to, bear, deer and monkeys.

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, donkeys), bovine family (cows, bulls), sheep, poultry (chickens, turkeys), fowl (ducks, geese, guinea hens), emu, swine (including pot-bellied pigs), goats, bees, llamas, alpacas, rabbits, and other animals associated with a farm, ranch, or stable.

**At large** - An animal, excluding cats, that is off the premises of its owner, or if on the premises of its owner is not on a leash or otherwise suitably contained on the premises such that it is under the immediate control of a person physically capable of restraining the animal.

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

**Bite** - Means an animal bite that breaks the skin or results in significant evidence of biting.

**City** - Shall mean City of Clark Fork.

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

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

**Handler** - SEE OWNER

**Harbor** - An animal shall be deemed to be harbored if it is fed, sheltered or lodged by any person on the property one owns, occupies or controls; or if the person purported to be harboring claims to have custody or responsibility for the care of any animal for any period of time.

**Impoundment** - The taking into custody of an animal by any law enforcement officer, animal control officer, or any authorized representative thereof.

**Kennel** -

**Commercial:** A permitted use in a commercial zone wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or where more than three (3) adult dogs, cats or other domesticated household pets are maintained, harbored, possessed, boarded, bred, trained or cared for excluding licensed veterinarians.

**Residential:** A residential property where the property owner lawfully keeps, harbors or possesses more than three (3) adult dogs or cats as domesticated household pets. No commercial activity as described under Commercial Kennel is allowed.

**Leash** - Means any rope, leather strap, chain, or any other material not greater than six (8) feet in length, being held in the hand of a person capable of controlling and actually controlling the animal to which it is attached. Electronic leashes are not considered as a means of absolute control and therefore are not allowed as a means of controlling the animal.

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

**Officer** - Any federal, state or local police officer, Sheriff, Sheriff's Deputy, Animal Control Officer or other law enforcement officer. Also including any 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.

**Owner** - Any person who is the legal owner of or any person, who lawfully keeps, harbors or possesses any animal. Animals in the custody of a minor or incapacitated person shall be deemed to be owned by the minor's parent(s), guardian or head of the household where the minor or incapacitated person resides.

**Person** - Any individual, corporation, society, co-partnership, limited partnership, limited liability company, association, or any other legal or business entity.

**Potentially Dangerous Dog** -

A. Any dog which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner unless excluded by state law **(OR)**

B. Any dog which, when unprovoked, has killed, inflicted injury, or otherwise caused injury attacking a domestic animal off the property of the owner.

**Provoke** - To perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an animal and further defined by state law.

**Quarantine** - The strict confinement of an animal in a manner which precludes direct contact with other animals not concurrently in quarantine or persons other than the owner or



caretaker. The quarantine shall be conducted under an order issued by the animal control agency designating the specific place, manner and provisions of the quarantine.

**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.

**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.

**Restrained** - Animal secured by a leash or lead under the control of a person physically capable of restraining the animal, or securely enclosed within the real property limits of the owner's premises.

**Secure Enclosure** - An enclosure that shall not allow the egress of the animal in any manner without human assistance.

**Service Animal** - Any animal which is trained or being trained to aid humans as defined by the Americans With Disabilities Act, 42 U.S.C.A. § 12101, et seq.

1. **All Service Animals and their owner, as defined by the ADA, shall not be excluded rights which the general public has been afforded.**
2. **Service Animals shall be held to the highest standards as outlined by the ADA with respect to their duties.**

**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.

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

**Dangerous Animal** - Means any animal which:

1. When not provoked, physically attacks, wounds, bites or otherwise injures any person or other animal that is not trespassing.
  - a. NOTE: a wound, bite or injury does not have to include bleeding or breaking skin.
2. Having been deemed dangerous by any Court or Law Enforcement Agency.

**Waiver of Vaccination** - A statement signed by a licensed veterinarian stating the medical reason that an animal should not be vaccinated for rabies.

### **Section 3.0 Rabies Vaccinations, Certificates, Tags Required for Dogs - Exemptions**

- A. In addition to the requirements imposed by state and federal laws, 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. 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, or its authorized agent, may 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. The City shall not take into consideration any undo hardships brought onto the owner as a result of an animal violation. Any waiver requests shall have supporting documentation from a licensed veterinarian outlining the reasons for the animal being returned to the owner for its best interest.

### **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 a City agent or officer, a dog is allowed to bark, yelp, howl, whine, cry, or make other noises in excess of the limits established hereby,



such conduct shall constitute a violation of this ordinance. It is not a defense that prior warnings or citations involved different animals.

- C. It is hereby declared to be unlawful for any owner, keeper or walker of any animal to allow or let his or her animal to discharge such animal's solid excrement upon public property or private property other than the property owners. However, if such owner, keeper or walker does immediately thereafter remove and cleanup such animal's solid excrement from the property, the nuisance shall be deemed remedied.
- D. 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.
- E. 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.
- F. 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 Dangerous Animals**

- A. For the purpose of the imposition of the restrictions contained in this Ordinance, a "Dangerous Animal" shall be deemed to include any animal as defined in Section 2.0 "Dangerous Animal" of this Ordinance. In the interest of public safety, any animal deemed to be a dangerous animal; the court may order the owner to have the dangerous animal destroyed or may direct the appropriate authorities to destroy the animal. If the dangerous animal is not ordered destroyed, the owner shall abate the animal from the City immediately.
- B. No animal shall be deemed dangerous 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 dangerous 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 dangerous animal shall be deemed to have violated this ordinance.

#### **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.

### **Section 8.0 Authorization for Protective Impoundment and Fees**

- A. The City of Clark Fork or its animal control officer, or any peace officer 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. Any peace officer 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 8.1 (A) above, shall be placed with an animal shelter for adoption, sale or auction at the discretion of the shelter upon a determination of the best interests of the animal.
- C. The City, or its authorized agent, may 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. The City shall not take into consideration any undo hardships brought onto the owner as a result of an animal violation. Any waiver requests shall have supporting documentation from a licensed veterinarian outlining the reasons for the animal being returned to the owner for its best interest.
- D. In the event an animal is placed in protective impoundment per Section 8.0 (B), the City will hold the animal for \_\_\_ days while attempting to temporarily adopt the animal out to neighbors or friends of the family before turning the animal over to a shelter.
  - 1. The owner shall be responsible for all fees incurred by the City as outlined in Section 8.0 (C)



## **Section 8.2 Liability of Owner for Humane Pickup Fees**

The humane pickup fee set forth by resolution 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 dog 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 dangerous 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 and current resolution. 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 City shelter once they have been resident at the City 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 ten (10) days or within ten (10) 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. No refund of deposit will be given unless delayed by a Veterinarian and verified in writing by same.

### **Section 9.1 Abatement Proceedings - Habitual Offender**

- A. Any animal that has been impounded for more than five (5) times in any one-year period of time, or whose owner has been charged more than five (5) times in any contiguous 12 month 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 five (5) times in any contiguous 12 month period of time, may be abated by the City of Clark Fork.

### **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. Total aggregate number of dogs shall be no more than five.
- 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 Commercial or Residential Kennel License shall be required for anybody keeping multiple animals. (See definition Section 2.0 for specific requirements of Commercial and Residential Licenses.) Kennel license fees shall be as established by resolution of the City Council.
- D. Kennel Licenses are valid for the current calendar year regardless of application date. Initial Kennel Licenses are issued for the current year beginning January 1<sup>st</sup>; renewal licenses shall be purchased within 30 days of expiration of the current license to maintain compliance with this Ordinance.
- E. Kennel Licenses not renewed within 30 days of expiration shall be considered non-compliant with the provisions of this section and not eligible for renewal and an initial Kennel License shall be required. 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 issuing a new license.
- F. within 60 days expiration of a Kennel License, the owner of any non-compliant Kennel shall abate all non-compliant animals from the City and become compliant with this Ordinance, or become subject to the enforcement provisions of the Ordinance.
- G. Any violation of Section 10 of this Ordinance shall be cause for suspension, revocation, denial and/or punishable under Section 15 of this Ordinance of a Kennel 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 excrement, 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 follow the most current guidelines set forth by the "ASPCA-ASV Shelter Standards Publication".
- 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. 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, chickens 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. 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.
- 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, as set by resolution

- 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), as defined herein, within the City of Clark Fork.

- B. Anyone in possession of a non-domestic animal(s) at the time this Ordinance is enacted shall, in addition to Federal and State requirements, including all permits and licensure, 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 the 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, State, Federal or 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 the 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 or deliver them to the appropriate State or Federal authority.

### **Section 13.0 Farm Animals**

Except for the exemptions listed in Section 13.1, 13.2 and Section 13.3, it shall be unlawful for any person to stable, keep, pasture or maintain any farm animals or bees within the City limits.

#### **Section 13.1 Exemption for Farm Animals Located within the City Prior to August 14<sup>th</sup>, 2006 (Passage of Ord 246)**

The stabling, keeping, pasturing or maintaining of farm animals (except chickens and rabbits as further clarified below) located within the City prior to the effective date of this ordinance 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 ASPCA generally accepted guidelines for humane treatment of farm animals. Information can be found at <https://www.asPCA.org/animal-cruelty/>
- C. The animal(s) shall not become a nuisance to neighboring property owners due to odor, noise, or accumulation of fecal matter.
- D. The City of Clark Fork may, at its discretion, require additional conditions, standards and/or regulations than those provided in this section.
- E. The City of Clark Fork's Animal Control Officer or any law enforcement officer may impound any animals found in violation of this section at owner's expense. Depending on the size of animal, the City may, at its discretion, have the animal boarded at a facility capable of properly caring for the animal.

#### **Section 13.2 Exemption to Existing Farm Use**

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.

### **Section 13.3 Maintenance of Rabbits and Chickens**

This section allows for the keeping of chickens and/or rabbits without the restrictions placed upon other farm animals under the following conditions:

- A. A combined total of six (6) rabbits or chickens allowed on one residential property/household, if there are no other animals.
- B. The keeping of roosters is unlawful.
- C. All rabbits and chickens shall be housed in coups or hutches generally acceptable to raising said animals and as outlined in Sections 10.2 and 10.3 of this Ordinance.
- D. Any structures, permanent or temporary, shall not be located inside the pre-established setback as outlined in the Setback Ordinance.
- E. The raising, caring or harboring of chickens or rabbits shall not become a nuisance to neighboring property owners due to odor, noise, or accumulation of fecal matter.

### **Section 14.0 Enforcement**

- A. The Clark Fork City Council is authorized to appoint an Animal Control Officer or any other law enforcement or regulatory agency with authority to enforce the provisions of this Ordinance.
- B. The Animal Control Officer/s and the Bonner County Sheriff's Office is authorized to enforce the provisions of this Ordinance. The Officers are 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**

All violations involving animal attacks on any person or property shall be reported immediately to the proper law enforcement of the jurisdiction in which it occurred and all citations issued need to be signed by the victim or victims. The victim(s) must be willing to prosecute all violations.

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 on a first violation, as an infraction. Subsequent violations within 12 months shall be punishable as a misdemeanor, subject to current Idaho Statute Title 18.

### **Section 16.0 Immunity**



The City, the City's designee, the animal control agency, the animal control shelter, and the animal control officer shall be immune from any and all civil liability for any actions taken pursuant to this Ordinance, or for any failure to take action to enforce the provisions of this Ordinance. This Ordinance has been enacted for the welfare of the public as a whole.

### Section 17.0 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 18.0 Repeal of Ordinances

This Ordinance hereby repeals Ordinance Number 262 and all previous ordinances of the City of Clark Fork to the extent of conflict herewith.

### Section 19.0 Effective Date and Publication

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


PASSED AND APPROVED THIS 9th day of September, 2019.



Russell Schenck, Mayor

CITY COUNCIL MEMBERS	YES	NO	ABSENT
Stan Spanski	<u>  ✓  </u>	<u>     </u>	<u>     </u>
Shari Jones	<u>  ✓  </u>	<u>     </u>	<u>     </u>
Sharon Banning	<u>  ✓  </u>	<u>     </u>	<u>     </u>
Jay White	<u>  ✓  </u>	<u>     </u>	<u>     </u>

ATTEST:

  
Amber Burgess, City Clerk