

CHAPTER 5 ANIMALS

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5-5-1 DEFINITIONS.

For the purposes of this Chapter, certain terms shall have the meanings ascribed below:

Adequate care. Care of an animal to include, but not be limited to, a clean, safe shelter that provides protection from the weather, sufficient heat and ventilation, wholesome food and water, proper veterinary care and exercise consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Animal control shelter. Any animal shelter, lot, premises or building maintained by the City for the confinement and care of animals.

At large. An animal shall be deemed to be at large when found to be located off the property of the owner and not under restraint or control.

Cruelty. An act committed with the intent to harm or needlessly kill an animal or committed out of depraved indifference for the animal's well-being, including but not limited to torture, maiming, beating, or otherwise committing violence that causes injury or death.

Enclosure. A fence or structure suitable to prevent the escape of the animal, or the entry of young children.

Household. A property where animals are kept, including buildings used as residences, kennels, barns, sheds, and other structures and pens, corrals, or other enclosures.

Owner. A person having the right of property or custody of an animal, or who keeps or harbors

an animal, or knowingly permits an animal to remain on or about any premises occupied, owned, or controlled by that person.

Person. An individual, corporation, partnership, limited liability company, or other organization commonly recognized by law.

Pet shop. An establishment engaged in the business of buying or selling animals at retail for profit.

Restraint. An animal shall be considered under restraint if it is confined within the real property limits of its owner, is secured by a leash, lead or chain, or is confined within a vehicle in a manner that prevents escape.

5-5-2 HERDING ANIMALS.

It shall be unlawful for any person to herd or drive any fowl, cattle, swine, goats, sheep, horses, mules or other animal upon any street, alley or public way. Nothing herein shall prevent the riding of any horse or mule, or the driving of a horse, mule, ox or cow hitched to a carriage or conveyance, for the purpose of any public parade or exhibition.

5-5-3 KEEPING OF CERTAIN DOMESTIC ANIMALS PROHIBITED.

(A) Except as set forth below, it shall be unlawful for any person to keep or maintain within the City:

- (1) any horse, mule, ox, cow, swine, goat, sheep, fowl, bison, or llama, regardless of weight; or
- (2) any other domestic animal weighing in excess of fifty (50) pounds.

(B) Nothing herein shall prohibit the keeping or maintenance of the following animals:

- (1) Any domestic dog, cat, canary, parrot or fish.
- (2) The keeping or maintenance of any domestic or feral animal within any public zoo, circus, exhibition, pet show, pet store, veterinarian clinic or auctioneering business, provided the operators thereof shall have first obtained a license under the provisions of this Code.

(C) Notwithstanding the foregoing, horses and llamas may be kept upon any property zoned "RE - Residence Estate" under the Zoning Ordinance.

(D) Notwithstanding the foregoing, the keeping of not more than six (6) domestic hen chickens is permitted within the rear yard of any single family dwelling or duplex located in a residential zone, provided the following requirements are observed:

- (1) Eggs produced by such hens shall not be sold for pecuniary gain or profit.
- (2) Such hens shall not be slaughtered on the premises or raised or sold for slaughter or pecuniary gain or profit.
- (3) For the purposes of this sub-section, the term "rear yard" means a residential yard lying between the rear lot line and the nearest foundation line of the main building and extending across the full width of the lot. In the case of a corner lot where the building fronts on a side street, the rear yard may be established from the rear of the house to the side property line.

5-5-4 KEEPING OF WILD ANIMALS.

For the purposes of this Chapter, certain terms shall have the meanings ascribed below:

(A) Definitions.

Wild animal means the following animals, irrespective of their actual or asserted temperament or domestication:

- (1) Alligators and crocodiles (crocodylidae).
- (2) Bears (ursidae), including grizzly bears, brown bears, and black bears.
- (3) Cheetahs, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wildcats, bobcats and pumas.
- (4) Wolves, foxes, and coyotes.
- (5) Porcupines (erethizontidae).
- (6) Nonhuman primates.
- (7) Raccoons (procyonidae), including eastern raccoons, desert raccoons and ringtailed cats.
- (8) Skunks, martins, wolverines, badgers, otters, ermines, minks and mongooses.
- (9) Venomous reptiles.
- (10) Birds of prey (falconi formes), such as eagles, hawks, falcons or owls, unless the owner has a permit issued by the State of Idaho or the United States of America, or any agency thereof, allowing the keeping of such animals and provided the animal is kept in a cage or is tethered by a sufficiently strong tether to prevent its escape.

- (11) Elk, deer, moose, antelope or other members of the cervidae family that are generally wild in their native habitat.
- (12) Any other animal of a species that is considered wild in its native habitat and which is venomous, fetid or which in its native habitat presents a significant risk of bodily harm or death to humans.

Wild animal hybrid or hybrid means an animal which is a first generation product of the breeding of:

- (1) A wild animal with an animal that is not wild, including but not limited to wolf/dog hybrids.
- (2) A wild animal with an animal of a different species, variety or breed.

Except as otherwise expressly allowed under subsection (C) hereof, it shall be unlawful for any person to sell, offer for sale, purchase, barter, keep, own, harbor, or transport any wild animal or hybrid as defined in Section 5-5-4 (A) above.

(C) Nothing herein shall prohibit the bona fide activities of the following:

- (1) A veterinary hospital operated by a veterinarian currently licensed by the State of Idaho.
- (2) A pet store, animal shelter, zoological park, humane society shelter, public laboratory, circus, sideshow, amusement show, exhibition or facility for educational or scientific purposes, which keeps or cares for wild animals, provided protective devices or procedures adequate to prevent such animal from escaping or injuring the public are employed and provided further that the operators of such facilities have first obtained a license from the City Clerk as required under this Code.
- (3) The transportation, keeping or harboring of a wild animal by any officer or agent of the state or federal government in the ordinary course of their duties.

(D) Impounding of Prohibited Animals:

- (1) City police officers and animal control officers may take up and impound any wild animal or hybrid found or kept in violation of this Chapter or found to be at large within City limits.
- (2) Any domestic animal impounded in the animal control shelter shall be retained for a minimum of seventy two (72) hours, unless the lawful owner or keeper appears and claims the animal, and pays all impound fees and charges as provided in this Chapter. If the owner or keeper of such animal does not appear at the animal control shelter within a seventy-two (72) hour period, the

animal may be delivered to any other state or federally licensed or operated facility, or the animal may be humanely destroyed and the carcass disposed of in any lawful manner. If the owner or keeper of the impounded animal appears at the animal shelter at any time during the seventy-two (72) hour period, the Animal Services Manager, or his or her authorized representative, shall deliver a written notice to the owner or keeper of the prohibited animal, stating that the animal has been impounded as a prohibited animal, and that the animal will be destroyed within ten (10) days after the date of such notice unless an order to show cause is issued by a court of competent jurisdiction and served upon the City, requiring the City to show cause why the animal should be destroyed. Such notice shall be deemed to be given as of the date of its physical delivery to the owner or keeper of the prohibited animal or upon its deposit in the United States mail, postage prepaid, certified mail, return receipt requested, addressed to the last known address of the owner or keeper of such animal. If such order is not served upon the City within ten (10) days of the delivery date of the notice, the animal shall be destroyed and disposed of as provided herein. If the order to show cause is issued and served upon the City Clerk within ten (10) days of delivery of the notice to the owner, the animal shall be retained in the pound until further order of the court.

- (3) Upon request by the owner or keeper of any impounded animal received within ten (10) days of the date of impoundment, the Animal Services Manager may release the animal to the custody of such owner, subject to the following conditions:
 - (a) the animal is not venomous or fetid and has not exhibited behavior dangerous to human life or limb;
 - (b) the owner or keeper has paid all impound fees incurred for the care of the animal;
 - (c) the owner or keeper shall, within ten (10) days after such request was received, sign and deliver to the Animal Services Manager a written agreement agreeing to forthwith remove the animal to a designated location outside the city limits and further agreeing that if the animal is found within the city limits at any time after the expiration of ten (10) days from the date of such agreement, he or she shall have no rights under subsection (D)(2) above and the animal may be immediately destroyed or delivered to another state or federally licensed facility, without further notice; and
 - (d) the owner or keeper shall agree in writing to indemnify and hold the City harmless from any claim against the City for injury to person or property caused by such animal.

If the animal is later found within the City limits at any time in violation of such agreement, it may be forthwith destroyed in a humane manner, or removed without compliance with the provisions of subsection (D)(2) above.

- (4) Impound Fees: If the Court orders the release of any prohibited animal impounded under this section, or if the court orders the removal of the animal from the City limits, the owner or keeper of the animal shall pay a boarding fee as set by Council, but no further impound fee shall be charged.

5-5-5 KEEPING OF BEEHIVES.

(A) Purpose. The purpose of this Section is to protect the public health and safety by establishing terms and conditions under which domestic honeybees and beehives may be kept within the City.

(B) Definitions.

For the purposes of this Chapter, certain terms shall have the meanings ascribed below:

Apiary. Any place where one or more colonies of honeybees are located.

Beekeeper. A person who owns or has charge of one (1) or more colonies of honeybees.

Colony. Honeybees in a hive including queens, workers, and drones.

Hive. A frame hive, commonly referred to as a Langstroth Hive, which has removable frames.

Honeybee. The common domestic honeybee. *Apis mellifera* species, at any stage of maturity, but excluding the African honeybee, *Apis mellifera scutelata* species.

Owner. Any person or entity who owns, leases or controls a parcel of real property upon which an apiary is kept.

(C) Beekeeping Allowed. No Beekeeper or Owner shall place, keep, or allow any apiary or colony of bees in or upon any parcel of real property located within the City unless such apiary conforms to the provisions of this Section.

(D) Terms and Conditions. All apiaries or colonies of honeybees kept within the City shall conform to the following terms and conditions:

- (1) The apiary or colony shall consist of no more than two (2) hives on lots that are eight thousand (8,000) square feet or smaller; three (3) hives on lots from twelve thousand (12,000) to twenty thousand (20,000) square feet and up to five (5) hives on lots that are one-half acre or more.

- (2) The apiary or colony is maintained only in a side or rear yard of a residential lot. Apiaries or colonies shall not be kept or maintained in a commercial or industrial zone.
- (3) Honeybees shall be kept in hives with removable frames and shall be kept in sound and usable condition.
- (4) Hives shall be placed no less than seven feet (7') from any property line and at least six inches (6") above the ground, measured from the ground to the lowest portion of the hive. Hives shall not be placed within thirty feet (30') of any dwelling, porch, gazebo, swing set, sandbox, playground equipment, deck or swimming pool, unless the owner of such dwelling, equipment or property has given written consent for hive placement.
- (5) If any hive is located within thirty feet (30') of an adjacent property line, a fence, closed hedge, building or other impervious barrier no less than six feet (6') high and twenty feet (20') in length and shall be located between the hive and the adjacent property line.
- (6) A fresh water supply will be maintained at all times, except during winter months when the bees are hibernating, within fifteen feet (15') to twenty five feet (25') of the apiary in order to prevent the bees from congregating at neighboring water sources.
- (7) No species of bee is kept other than *Apis mellifera*.
- (8) Queens shall be selected from stock bred for gentleness and non-swarming characteristics.
- (9) If the colony exhibits unusually aggressive behavior or when the colony includes Africanized bees, the beekeeper or owner shall promptly remove or re-queen the colony.
- (10) All hives shall have a legible identification label securely fastened thereupon bearing the name and telephone number of the beekeeper who owns the hive.
- (11) All apiaries or colonies shall comply with the Idaho State Bee Inspection statute and other applicable state laws.
- (12) All beekeepers must register each hive with the City's Animal Shelter. This registration shall include the name of the beekeeper, the mailing address of the beekeeper, the phone number of the beekeeper and the physical address of where each hive under the beekeeper's control is located.

5-5-6 ANIMALS AT LARGE.

It shall be unlawful for any owner or custodian of any animal, other than a domestic cat, to allow such animal to be, or remain, at large within the City.

5-5-7 IMPOUNDMENT OF ANIMALS.

The City Animal Services Manager shall impound or confine any animal found at large within the City. Any animal so impounded or confined shall be provided with the proper care, food or water. The care, disposal, release, sale or destruction of any animal so impounded shall be conducted in a like manner as set forth in the Dog Control Chapter of this Code. Prior to the release of any animal impounded at the City Pound, the Animal Control Shelter Services Manager shall collect from the owner, or custodian thereof, an impound fee and boarding fees as set forth in the Dog Control Chapter of this Code.

5-5-8 HARASSMENT OF ZOO ANIMALS.

It shall be unlawful for any person to harass, torment, poison or injure any animal kept at the Idaho Falls Public Zoo.

5-5-9 FEEDING ZOO ANIMALS PROHIBITED.

It shall be unlawful for any person to feed any animal kept at the Idaho Falls Public Zoo when a sign prohibiting such feeding is clearly visible within the proximity of the place where such animal is kept without lawful authority to do so.

5-5-10 BUGLING PROHIBITED.

It shall be unlawful for any person to bugle or call any animal located at the Idaho Falls Public Zoo, or uses any device to imitate a mating call of such animal.

5-5-11 REMOVAL OF ZOO ANIMALS.

It shall be unlawful for any person to remove or transport any animal kept at the Idaho Falls Public Zoo, without lawful authority to do so.

5-5-12 ANIMAL DISPOSAL FEE.

The owner of any animal whose carcass is brought to the City Animal Control Shelter for the purpose of disposing of the same, shall pay a carcass disposal fee of fifteen dollars (\$15).