

Chapter 2

ANIMALS OTHER THAN CANINES

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4-2-1: DEFINITIONS:

Certain words and terms in this chapter shall be defined as below and shall also apply, as applicable, to the definitions in chapter 1, "Animal Control," of this title.

ABANDON: To forsake and desert an animal without making reasonable arrangements for its adequate care, sustenance, and shelter.

ADEQUATE CARE: Care of an animal or animals to include, but not be limited to, clean, safe shelter that provides protection from weather, dampness, or other unhealthy or unwholesome conditions; sufficient heat and ventilation; wholesome food and water; proper veterinary care, exercise, and grooming consistent with normal requirements and feeding habits of animals' size, species, and breed.

ANIMAL CONTROL OFFICER: Any duly appointed and acting officer of the city of Sugar City or the Madison County sheriff's office or any person designated by the city of Sugar City or the Madison County sheriff's office to carry out provisions of this chapter.

ANIMAL CONTROL SHELTER: Any premises, lot, or building designated by the city for the purpose of impounding and caring for animals held under authority of this title.

ANIMAL SERVICES MANAGER: The person, official, or designee in charge of operating and

maintaining the animal control shelter.

AT LARGE: An animal found to be located off the property of the owner and not under restraint or control.

CAT: See DOMESTIC CAT and FERAL CAT.

CONFINED OR CONFINEMENT: In a secure and/or enclosed boundary. Shut or locked inside a vehicle, garage, or other enclosed area.

CRUEL OR CRUELTY: Any or all of the following:

- A. Intentional and malicious infliction of pain, physical suffering, injury, or death upon an animal;
- B. To maliciously kill, maim, wound, overdrive, overload, drive when overloaded, overwork, torture, deprive of adequate care, cruelly beat, mutilate, or kill an animal;
- C. To subject an animal to needless suffering, inflict unnecessary cruelty, drive, ride, or otherwise use an animal that is unfit;
- D. To abandon an animal;
- E. To negligently confine an animal in unsanitary conditions or to negligently house an animal in inadequate facilities; to negligently fail to provide adequate care.

DOMESTIC ANIMAL: An animal other than livestock or equine owned or possessed by a person.

DOMESTIC CAT: A cat that lives and receives its care on the property of its owner or custodian, and bears owner identification.

ENCLOSURE: A fence or structure suitable to prevent the escape of the animal or the entry of young children.

FERAL CAT: A cat without an apparent owner or custodian, or without owner identification.

FOOD (WHOLESOME): Food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal and the environment in which it is kept. An animal shall be fed or have food available at least once each day, unless a licensed veterinarian instructs otherwise, or unless withholding food is in accordance with accepted agricultural or veterinarian practices.

HARBORING: The occupant of any premises on which an animal remains, or to which it customarily returns for food and care, for seven (7) consecutive days or more, is presumed to be harboring or keeping the animal.

HEALTH OFFICER: An official of the department of health, state of Idaho.

HEN, DOMESTIC: A common domestic hen (*Domesticus gallus gallus*) for the purpose of domestic egg production or as a domestic pet.

IMPOUNDED: Having been received into custody of the municipal pound or into the custody of the

animal control officer, police department, or any authorized agent or representative thereof.

LEASH: A cord, strap, or chain not more than eight feet (8') in length by which an animal is controlled by the person accompanying it.

LIVESTOCK: Includes, but is not limited to, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl, and any furbearing animals bred and maintained, commercially or otherwise, within pastures, feed yards, pens, cages, or hutches.

NECESSARY VETERINARY CARE: Necessary medical attention shall include, but not be limited to, medical treatment for illness, injury, disease, parasitism, malformed or overgrown hoof, or any other care necessary according to accepted veterinary practice.

NUISANCE ANIMAL: One that does any of the following:

- A. Runs at large.
- B. Damages, soils, or defecates on property other than property owned or controlled by the animal owner or custodian, or on public walks and recreation areas, unless such waste is immediately removed and properly disposed of by the animal owner or handler.
- C. Causes a disturbance by excessive noisemaking.
- D. Chases vehicles, people, or other animals, or molests, attacks or interferes with persons or other domestic animals on public property or private property not owned or in control of the owner or handler.
- E. Otherwise disrupts safety, good order, peace, or tranquility.

OFFICER: Any police officer or any person designated by the city of Sugar City or the Madison County sheriff's office as an animal control officer.

OWNER, CUSTODIAN, OR KEEPER: 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.

POUND: The animal control shelter.

PRIMARY LIVING AREA: An area where an animal is housed for twelve (12) hours or more during a twenty-four (24) hour period.

RESTRAINT: Used with respect to an animal, means any of the following:

- A. Kept in a secure enclosure;
- B. Kept under the direct physical control of the animal's owner or handler by a leash;
- C. Confined within the real property limits of its owner by use of a leash or similar device, fence, or vehicle in a manner that prevents escape.

SHELTER (ADEQUATE): A structure which protects the animal from injury and environmental hazards including, but not limited to, rain, snow, sun and wind. Said structure should include an enclosure of at least three (3) sides and a roof, be accessible by the animal and of sufficient size and nature so as to provide the animal with reasonable protection and sanitation.

A. Examples of inadequate shelter include, but are not limited to, the following:

1. Underneath outside steps, decks, or stoops.
2. Underneath houses.
3. Inside or underneath motor vehicles.
4. Inside cardboard boxes.
5. Inside temporary animal carriers or crates.

TORTURE: Every act, omission, or commission whereby the wilful and malicious infliction of pain or suffering is caused, permitted, or allowed to continue when there is a reasonable remedy or relief. The term torture shall not include normal or legal practices as defined in Idaho Code 25-3514.

UNDER CONTROL: Restrained or under restraint so as to prevent an animal from trespassing upon the property of others or annoying or chasing other persons, animals, or vehicles.

VETERINARY CLINIC OR HOSPITAL: Any establishment operated by a licensed veterinarian for the boarding or veterinarian treatment of animals.

WATER (ADEQUATE): Fresh potable water provided at suitable intervals for the species, and which, in no event, shall exceed twenty-four (24) hours at any interval. (Ord. 304, 5-8-2014)

4-2-2: MALTREATMENT OF ANIMALS:

A. **Failure to Provide Adequate Care:** Any owner or person having the custody or control of any animal who shall fail to provide adequate care to the animal shall be guilty of an infraction. Nothing herein shall prevent the humane disposal of any sick, disabled, infirm, crippled, or abandoned animal.

B. **Cruel Confinement Of Animals:** Any person who confines, or causes to be confined, any domestic animal without supplying the animal with an adequate quantity of good and wholesome food or water, or without adequate ventilation or living space, or in any manner which subjects the animal to extreme temperatures, when such confinement is dangerous or detrimental to the animal's health or welfare, is guilty of an infraction.

C. **Beating:** Any person who cruelly whips, strikes, or otherwise ill treats any animal in his care or charge, whether belonging to him or any other person, is guilty of an infraction.

- D. Cruel Treatment: Any person who drives, leads, carries, or causes to be carried in or upon any vehicle any animal in a cruel or inhumane manner or knowingly and wilfully authorizes or permits it to be subjected to unnecessary torture, suffering, or cruelty of any kind is guilty of an infraction.
- E. Abandonment of Animals: It shall be unlawful for any person to abandon any animal or to cause an animal to be abandoned as defined in section 4-2-1 of this chapter. (Ord. 304, 5-8-2014)

4-2-3: ANIMAL FIGHTS:

- A. Any person who knowingly owns, possesses, keeps, trains, buys or sells animals for the purpose of a public or private display of combat between two (2) or more animals in which the fighting, killing, maiming, or injuring of animals is a significant feature is guilty of an infraction¹.
- B. Any person who knowingly advertises, promotes, organizes, participates or knowingly has a monetary interest in a public or private display of combat between two (2) or more animals in which the fighting, killing, maiming, or injuring of animals is a significant feature is guilty of an infraction².
- C. Any person who is knowing present as a spectator at any place where preparations are being made for an exhibition of the fighting of animals with the intent to be present at such preparations or to be knowingly present at such exhibition shall be guilty of an infraction and shall, upon conviction, be punished in accordance with Idaho Code 25-3520A.
- D. Any person who participates in a public or private display of combat between two (2) or more gamecocks in which the fighting, killing, maiming, or injuring of gamecocks is a significant feature is guilty of an infraction and shall, upon conviction, be punished in accordance with Idaho Code 25-3520A.
- E. Any person who knowingly owns, possesses, keeps, trains, buys or sells, or participates in a public or private display of combat between two (2) or more of any animal or bird not previously mentioned in this section is guilty of an infraction. (Ord. 304, 5-8-2014)

4-2-4: HERDING ANIMALS:

Any person who herds or drives any fowl, cattle, swine, goats, sheep, horses, mules, or other animals upon any street, alley, or public way shall be guilty of an infraction. Nothing herein shall prevent the casual, nonroutine riding or driving (of animals hitched to a conveyance) of one or a few horses or mules, provided that custodians of the animals clean up after them. 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 a public parade or exhibition, provided that a person connected with the parade or exhibition cleans up after the animals. (Ord. 304, 5-8-2014)

4-2-5: KEEPING OF CERTAIN ANIMALS PROHIBITED:

Except as allowed below, any person who keeps or maintains any horse, mule, ox, cow, swine, goat, sheep, fowl, bison, llama, duck, goose, turkey, or other animal typically considered livestock, or any person who keeps any feral, poisonous, dangerous, or fetid animal within the city is guilty of an infraction.

- A. Nothing herein shall prohibit the keeping or maintenance of any domestic cat, bird, rabbit, or fish, or any such household pet that shall not present a potential danger, menace, or nuisance to other residents.
- B. Nothing herein shall prohibit the keeping or maintenance of animals by prior established nonconforming use. Such a use may continue, not to exceed its established scope, and shall be subject to all provisions relevant to the maintenance and keeping of the animals, and avoidance of a nuisance. A nonconforming use that is discontinued shall not be entitled to reconstitution, consistent with Idaho statute.
- C. Nothing herein shall prohibit the keeping or maintenance of otherwise prohibited animals within any pet show, pet store, veterinarian clinic, auctioneering business, or other duly licensed business involving animals, provided the operators thereof shall have first obtained a license from Sugar City and made themselves subject to the provisions of all laws relating to animals and nuisances.

4-2-6: NUISANCE ANIMALS:

No provision of this code shall allow any person to maintain or keep animals in a manner constituting a nuisance or threat to safety, health, cleanliness, orderliness, peace, or tranquility. No person keeping or maintaining animals or fowl shall allow any accumulation of manure or refuse to the extent that it constitutes a nuisance or hazard. Standards of maintenance for the premises shall be consistent with all applicable health and sanitary laws, rules, and regulations of the state of Idaho, county of Madison, and city of Sugar City, now existing or hereafter enacted. Any nuisance shall subject the violator to the provisions of this code and the laws of the state of Idaho, but nothing herein shall be construed to limit the right of any person to bring an action for civil damages. (Ord. 304, 5-8-2014)

4-2-7: ANIMALS RUNNING AT LARGE:

It is unlawful for any animal or animals to run at large on any of the streets, alleys or public places within the city limits. Any owner or custodian of any animal, who allows the animal to run at large within Sugar City, is guilty of an infraction. (Ord. 304, 5-8-2014)

4-2-8: IMPOUNDMENT OF ANIMALS:

- A. Any animal running at large or constituting a nuisance may be impounded.

- B. An animal control officer is empowered to enter upon any place, except inside human dwellings, where violations of this chapter are occurring, to inspect the situation or impound animals.

- C. Any animal impounded shall be provided adequate care. Prior to the release of any animal impounded by the city, the owner or custodian shall pay an impoundment fee determined from a schedule of fees adopted by the city council. Any animal not claimed within five days of impoundment will be considered abandoned and will be sold, given away, or destroyed.

4-2-9: DOMESTIC HENS:

Notwithstanding the restrictions in section 4-2-5 of this chapter, domestic hens may be kept as provided herein:

- A. Domestic hens are allowed in R1 and R2 zones. Hens are not permitted in other zones, regardless of whether the use is residential.

- B. Not more than eight (8) hens per dwelling unit are allowed.

- C. Buildings or enclosures containing hens shall be located in a back yard.

- D. No rooster shall be allowed in the city.

- E. Standards elsewhere in this chapter apply, including, but not limited to, those for adequate care, animals at large, nuisances, and cleanliness.

4-2-10: BEEHIVES:

Working hives of honeybees are permitted in Sugar City, but not more than two (2) hives by one family. Any variety or subspecies of bee known to be aggressive or dangerous is not permitted. Any person who keeps or maintains larger numbers of hives in the city at any time between April 15 and November 1 of any year shall be guilty of an infraction. When outdoors, hives shall be kept in a back yard. (Ord. 304, 5-8-2014)

4-2-11: PENALTY:

Unless elsewhere provided, for example by Idaho statute, violation of a provision of this chapter shall be deemed an infraction and be subject to penalties prescribed by resolution of the City Council or in this code.