

CHAPTER 5 ANIMALS

SECTION:

- 5-5-1: Definitions
- 5-5-2: Herding Animals
- 5-5-3: Keeping of Certain Domestic Animals Prohibited
- 5-5-4: Keeping of Wild Animals
- 5-5-5: Keeping of Beehives
- 5-5-6: Animals at Large
- 5-5-7: Impoundment of Animals
- 5-5-8: Harassment of Zoo Animals
- 5-5-9: Feeding Zoo Animals Prohibited
- 5-5-10: Bugling Prohibited
- 5-5-11: Removal of Zoo Animals
- 5-5-12: Animal Disposal Fee

5-5-1 DEFINITIONS. Whenever the following words or terms are used in this Chapter, they 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.

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.

Domesticated rabbit. A rabbit (*oryctolagus cuniculus domesticus*) bred or kept as a pet or for food, wool, or fur and which has not been obtained in the wild.

Domesticated turkey. A turkey (*meleagris gallopavo domesticus*) bred for meat and/or egg production and which has not been obtained in the wild.

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

Fowl. Domesticated birds (galliformes and anseriformes), kept as a pet or bred for meat and/or egg production, and which have not been obtained in the wild, including chickens, quail, ducks, and geese. Fowl shall not include peafowl, guinea fowl, ostriches, or emus.

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.

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.

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 or 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.

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 otherwise set forth in this Code, 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, alpaca, guanaco, 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) Chickens, Quail, Ducks, and Geese.

- (1) A person may lawfully maintain six (6) fowl which are more than twelve (12) weeks from hatch per lot of not less than five thousand (5,000) square feet and one (1) additional fowl that are more than twelve (12) weeks from

hatch for each additional twelve hundred fifty (1,250) square feet per lot up to a total of twelve (12) fowl that are more than twelve (12) weeks from hatch per lot.

- (2) A person may also temporarily maintain up to twenty five (25) fowl that are not more than twelve (12) weeks from hatch, per lot which is of not less than five thousand (5,000) square feet, if such fowl are not intended for sale and do not comprise a commercial agricultural use, as demonstrated by the person keeping or maintaining such fowl.
- (3) It shall be unlawful to keep or maintain male fowl within the City limits except for a time period not to exceed twelve (12) weeks from hatch, as demonstrated by the person keeping or maintaining such male fowl.
- (4) In no event shall the coop and/or run constructed for containing fowl be less than twenty-five feet (25') from a dwelling other than that of the person keeping or maintaining fowl.
- (5) It shall be unlawful for a person to keep or maintain peafowl, guinea fowl, emus, ostriches, or cassowaries within City limits, unless within the Idaho Falls Zoo or otherwise permitted by this Chapter.
- (6) This subsection shall not apply to zoning that allows commercial agricultural uses or to uses specifically permitted by this Chapter.

(E) Domesticated Turkeys.

Domesticated turkeys are allowed within City limits pursuant to the following minimum standards:

- (1) A person may lawfully maintain up to a total of three (3) female domesticated turkeys which are more than twenty-five (25) weeks from hatch per lot of not less than five thousand (5,000) square feet.
- (2) A person may also temporarily maintain up to six (6) domesticated turkeys not more than twenty-five (25) weeks from hatch, per lot which is of not less than five thousand (5,000) square feet, if such turkeys are not intended for sale and do not comprise commercial agricultural use, as demonstrated by the person keeping or maintaining such turkeys.
- (3) In no event shall the coop and/or run constructed for maintaining domesticated turkeys be less than forty feet (40') from a dwelling other than that of the person keeping or maintaining such turkeys.
- (4) This subsection shall not apply to zoning that allows commercial agricultural uses or to uses specifically permitted by this Chapter.

(F) Domestic Rabbits

To maintain and keep rabbits, there shall be at least five thousand (5,000) square feet of real property for each ten (10) rabbits, and in no event shall any person keep or maintain more than ten (10) rabbits, and in no event shall the rabbit hutch, or rabbit run be less than forty feet (40') from a dwelling other than that of the owner.

(G)

- (1) Eggs produced by fowl allowed by this Chapter shall not be sold for pecuniary gain or profit, unless allowed by the Zoning Code.
- (2) No meat from fowl or rabbits allowed to be raised pursuant to this Chapter shall be sold for pecuniary gain or profit.

(H) No animal subject to this Chapter (other than fowl, turkeys, or rabbits allowed to be kept or maintained pursuant to this Chapter) shall be slaughtered on the premises, unless on premise humane slaughter is specifically allowed by the Idaho Code and the Zoning Code.

(I) Fowl permitted pursuant to this Chapter may be kept or maintained in any combination. No person shall maintain fowl and turkeys at the same time; however, rabbits may be maintained simultaneously with either fowl or with turkeys, as permitted by this Chapter.

(J) All animals regulated by this Chapter shall be kept or maintained on premises.

(K) Nothing in this Chapter shall amend or alter general nuisance or noise nuisance provisions of this Code.

5-5-4 KEEPING OF WILD ANIMALS.

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.

(A) 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 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.
- (4) Activities protected by the United States Constitution or Idaho Constitution.

(B) 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 their 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 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, they 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-swarmling 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 Zoo.

5-5-9 FEEDING ZOO ANIMALS PROHIBITED.

It shall be unlawful for any person to feed any animal kept at the Idaho Falls 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 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 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 as established from time to time by Resolution of the Council.