

CHAPTER 3

ANIMALS

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5-3-1: HERDING ANIMALS WITHIN CITY LIMITS UNLAWFUL: Any person who herds or drives any fowl, cattle, swine, goats, sheep, horses, mules or other animal upon any street, alley or public way shall be guilty of a misdemeanor. 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.

5-3-2: ANIMALS RUNNING AT LARGE PROHIBITED: It shall be unlawful for any person to permit or allow any animals belonging to him or under his control, with the exception of domesticated cats, to run at large within the City limits.

5-3-3: CRUEL TREATMENT: Any person who carries or causes to be carried in or upon any vehicle any domestic animal in a cruel or inhuman manner or knowingly and willfully authorizes or permits it to be subjected to unnecessary torture, suffering or cruelty of any kind is guilty of a misdemeanor.

5-3-4: ANIMAL FIGHTS: Any person who causes any bull, bear, cock, dog or other animal to fight for amusement, or for gain, or to worry or injure each other; and any person who permits the same to be done on any premises under his charge or control; and any person who aids, abets or is present at such fighting or worrying of such animals, as a spectator, is guilty of a misdemeanor.

5-3-5: CRUEL IMPOUNDMENT OF ANIMALS: Any person who confines, or

causes to be confined, any domestic animal, without supplying the animal with a sufficient quantity of good and wholesome food and water, is guilty of a misdemeanor. If any domestic animal is so confined for more than twelve (12) hours, any person may enter upon any place where such animal is confined, and supply it with necessary food and water. Such person is not liable for trespass as a result of such action for such entry, and the reasonable cost of such food and water may be collected by him from the owner of such animal.

5-3-6: **FAILURE TO PROVIDE ADEQUATE CARE:** Every owner or person having the custody or control of any domestic animal who shall fail to provide proper care and attention to such animal, including the failure to adequately feed, water and care for said animals or fowl or fail to provide adequate care and attention for any such animal or fowl that is sick, wounded or afflicted, shall be guilty of a misdemeanor. Nothing herein shall prevent the humane disposal of any sick, disabled, infirm, crippled or abandoned animal.

5-3-7: **BEATING:** Every person who cruelly whips, beats, starves or otherwise ill treats any animal in his care or charge, whether belonging to him or any other person, is guilty of a misdemeanor.

5-3-8: **KEEPING OR MAINTAINING OF HIVES OF BEES PROHIBITED:** It shall be unlawful for any person to keep and maintain within the City limits any hives of bees during the period from March 1 to November 30 of each year.

5-3-9: **BUSINESS RELATED TO LIVESTOCK:** It shall be lawful for any duly licensed business dealing in livestock, animals or fowl to keep, maintain, and hold any livestock in connection with said business within the area designated for such business and for such reasonable length of time only as shall be necessary for the conduct of such business, subject always to provisions of Section 5-3-11 of this Code and the laws of the State of Idaho and the City Codes of the City concerning nuisances; it shall be lawful for any person or persons with a valid reason for showing, exhibiting, displaying or participating in a riding or sporting exhibition to keep, maintain and hold livestock in connection with said exhibition or event for a period of not to exceed ten (10) days or such extension thereof as shall be granted by the Mayor or any of the City Council upon due cause and subject always to the provisions of this Chapter as contained in Section 5-3-11 and pursuant to the provisions of the laws of the State of Idaho and the Code of the City concerning nuisances.

5-3-10: **KEEPING OR MAINTAINING ANIMALS:** It shall be unlawful to keep and maintain swine within the City limits of the City of Shelley, other than as provided in Section 5-3-9 hereinabove; it shall be unlawful to keep, maintain, stable or pasture any cattle, goats, sheep horses, mules, fowl or any other animals of a related nature in the City of Shelley except as provided in Section 5-3-9 hereinabove or under the following conditions which shall apply in R-A zone:

- (A) That the livestock or fowl may be maintained for pasturing upon any lot or area, which shall be adequately and securely fenced to prevent any such animal or fowl

from becoming loose or straying or in reaching over or through such fence or enclosure under all normal and reasonable conditions; providing, further, that upon any lot on which there is a dwelling house located, that such area in which animals, livestock or fowl are maintained and pastured must not be on that portion of said lot and area which is a yard or lawn appurtenant to the dwelling, and must not be in any area to the side or front of such dwelling, and provided, further, that upon any unimproved lot the whole thereof may be pastured but that the same shall be adequately and securely fenced as above stated.

- (B) That in pasturing of such areas as provided in the next preceding subsection, that no more than the number of livestock that can be pastured, with the amount of pasturage then available upon such area, under the conditions and circumstances of such area and lot then existing, with only normal and reasonable supplemental feeding, may be kept or maintained upon such area at any one time.
- (C) That no livestock or fowl shall be kept and maintained where the normal pasturage grown shall not maintain the same and where feeding is necessary except on a lot area or parcel of no less than 10,000 square feet of area per one animal or 25 fowl; and provided, further, that such feeding and maintaining and keeping of said animals shall be done only on the rear one-half of said lot area and that any feeding area, resting or loafing area or shed, barn or stable shall be no closer than 100 feet from any dwelling home or residence, other than the dwelling home or residence of the owner of such animals or livestock.
- (D) No person or persons keeping, maintaining, stabling or pasturing animals or fowl herein provided shall allow any accumulation of manure or refuse to the extent that the same constitutes a nuisance or hazard in such area and any such area shall at all times be maintained and kept by such person or persons in a clean and neat manner so as not to be objectionable to, nor to constitute a nuisance to, the inhabitants and residents of the City of Shelley; to cause no undue odors or hazards, and to be kept and maintained in a manner to conform to all applicable health and sanitary laws, rules and regulations of the State of Idaho, County of Bingham, and the City of Shelley now existing or hereafter enacted.

5-3-11: KEEPING AND MAINTAINING ANIMALS CONSTITUTING A NUISANCE: No provision of this Code shall allow any person or persons within the City of Shelley, Idaho, to maintain and keep animals in a manner which shall constitute a nuisance. A nuisance shall be herein defined as anything which is injurious to health or morals or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfortable enjoyment of life or property. Any act which shall constitute a nuisance shall subject the violator thereof to the provisions of this Code and the laws of the State of Idaho for a violation thereof or for an abatement but nothing shall be herein construed to limit the right of any citizen or any person to bring an action for any civil damages alleged to be maintained.

5-3-12: IMPOUNDMENT OF ANIMALS: The Chief of Police or any other police officer shall impound or confine any animal found running 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 Chapter 4, Title 5, of this Code. The Chief of Police shall establish a reasonable boarding fee for the daily care and maintenance of any impounded animal, which fee shall reasonably approximate the costs of feeding and caring for such animal. Prior to the release of any animal impounded at the City Pound, the owner or custodian thereof shall pay an impound fee as established by resolution of the City Council from time to time and which fee schedule shall be maintained in the City Clerk's office and posted at any City Pound maintained by the City.