

ORDINANCE 437-A1

ANIMAL CONTROL

AN ORDINANCE OF THE CITY OF MACKAY, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING CITY OF MACKAY ORDINANCE 437; AMENDING THE DEFINITION OF PETS; CHANGING THE NUMBER OF PETS A HOUSEHOLD MAY OWN; PERMITTING CHICKENS AND 4H/FFA SHEEP TO BE RAISED IN THE CITY LIMITS UNDER CONDITIONS; ESTABLISHING A FEE FOR PERMITTED ANIMALS; PROVIDING FOR A SAVINGS CLAUSE; SEVERABILITY; AND AN EFFECTIVE DATE.

WHEREAS, City of Mackay Ordinance #437 defines pets as dogs or cats, eliminating domesticated farm animals such as chickens, ducks and geese; and,

WHEREAS, Citizens of the City of Mackay have approached the City Council and requested the Ordinance be amended to allow them to raise chickens within the City Limits; and,

WHEREAS, the City of Mackay City Council finds no reason not to allow the raising of chickens so long as no roosters are allowed, and the chickens do not pose a nuisance;

NOW THEREFORE, be it ordained by the Mayor and City Council of the City of Mackay, Custer County, Idaho as follows:

SECTION 1: City of Mackay Ordinance 437 shall be amended as follows.

SECTION 2: SECTION 2, c. of City of Mackay Ordinance 437 shall be amended to read as follows: "Pets" means either dogs or cats. Domesticated animals normally raised on farms or ranches, and exotic animals are not considered pets per this Ordinance and are prohibited within the City of Mackay unless authorized in writing by the City Clerk.

A Permit (FORM COM ACF-1-7.19) to keep Chickens and Sheep raised as 4H/FFA animals is available from the City Clerk for a fee of \$5.00.:

SECTION 3: SECTION 4 of City of Mackay Ordinance 437 shall be amended to read as follows: The number of pets that an owner may possess shall be limited. Pets that are contained in enclosures within a home such as cages, terrariums, tanks, etc. are not subject to this Ordinance and not to be included when determining the number of pets allowed. There shall be no exception to this limit. Keeping or harboring of pets owned by others shall be limited to 14 days and limited to 2 pets.

Number of pets shall be limited to any combination of dogs and cats not to exceed four (4) animals total.

Other animals which have been reviewed and approved by the City Council that may be raised within the City Limits if a permit is obtained and the animals are raised under the

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following conditions are:

Chickens:

1. Chickens are limited to five (5) hens; no roosters allowed;
2. Chickens must be contained in a coop, pen, or fenced yard;
3. Free range chickens are prohibited.

4H/FFA Sheep:

1. Sheep raising in the City Limits is allowed ONLY between April 1 and Sept. 5
2. Sheep allowed must be raised for a 4H or FFA project ONLY (No Exceptions!);
3. Only one (1) sheep per project (each Child participating is considered a project);
4. One (1) sheep for each participating family is allowed as a backup animal;
5. Sheep must be kept in pens or secure fence to preclude animal from free roaming;
6. PERMIT EXPIRES and all sheep must be removed from property located within the City Limits following the Eastern Idaho State Fair, unless the property is Zoned Agricultural.
7. A subsequent permit WILL NOT BE ISSUED to anyone not complying with these requirements.

Owners of Permitted Chickens or Sheep are responsible for their animals and any damages the animals may cause to property belonging to the City of Mackay or any other property owners within the City Limits.

Any complaints to the City Clerk regarding either Permitted Chickens or Sheep shall result in immediate cancellation of the permit and removal of the animals within five (5) days of the complaint.

SECTION 4:All other SECTIONS of Ordinance 437 shall remain as currently written and approved.

SECTION 5: The City Council, in considering this amendment to City of Mackay Ordinance #437, "Animal Control," also discussed other animals that may be raised as 4H/FFA project animals such as: geese, ducks, turkeys, other domesticated fowl, pigs, horses, donkeys, burrows, other equine animals; calves, cows, steers, bulls, other cattle and goats, lamas, alpacas, and other livestock; and, decided not to include these animals to be considered for permits to be raised within the City Limits. No permits will be issued for these animals.

SECTION 6:In case any provision in this Ordinance shall be held invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

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SECTION 7: This Ordinance shall be in full force and in effect immediately upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 9th DAY OF JULY, 2019.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO

By Wayne C. Olsen
Wayne C. Olsen, Mayor

ATTEST: Erin Fiaferlick
Erin Fiaferlick, City Clerk



ORDINANCE NO. 437

Animal Control

AN ORDINANCE OF THE CITY OF MACKAY, CUSTER COUNTY, STATE OF IDAHO, REPEALING ORDINANCES NUMBER 421 AND ANY RELATED RESOLUTIONS TO THOSE ORDINANCES OR DECISIONS MADE AND RECORDED IN THE MINUTES OF CITY COUNCIL MEETINGS, DEFINITIONS, REQUIRING LICENSES AND REGISTRATION; LIMITING THE NUMBER OF PETS; FEEDING OF STRAYS; SPAY/NEUTERING AND RELEASE IS CONSIDERED ABONDENMENT; PROHIBITING PETS TO RUN AT LARGE; NUISANCE PETS; WALKING OF PETS ON CITY PROPERTY; PETS SUSPECTED OF RABIES; PROHIBITING OPERATION OF KENNELS; PROVIDING THAT VIOLATION OF THIS ORDINANCE IS AN INFRACTION ; PROVIDING THAT VIOLATION OF THIS ORDINANCE SHALL BE A NUISANCE AND FOR INJUNCTION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO:

SECTION 1: Ordinance No. 421 of the City of Mackay is hereby repealed in its entirety; rather than edit the ordinances which proved to be cumbersome due the number of items needing to be changed. Also repealed are any associated resolutions or decisions recorded in the minutes of the City Council.

SECTION 2: Definitions as used in this ordinance:

- a. "At Large" means off the premises of the owner and not under the control of the owner or member of his/her family.
- b. "Kennel" is defined for the purpose of this Ordinance as any property maintained for the purpose of breeding, raising, training, boarding or selling dogs, and any property where more than three dogs or cats are harbored or kept.
- c. "Pets" means either dogs or cats. Domesticated animals including but not limited to ducks, geese, chickens, goats, pigs, animals normally raised and confined to farms or ranches, and exotic animals are not considered pets per this Ordinance and are prohibited within the City of Mackay. Domestic farm animals may be raised in an area zoned for agriculture.
- d. "Owner" means any person owning, keeping, harboring a pet or feeding a stray dog or cat.

SECTION 3: All dogs within the City of Mackay are to be registered by licensing said dog at the City Hall. A licensing fee of \$7.50 per year per dog or \$25.00 per dog for a five (5) year licensing period shall be paid to the City upon registering a dog. Re-registration of said dog will be required upon expiration of license. There shall be no refund should a dog die prior to the expiration of the dog's license.

Cats are considered to be indoor pets and as such are not required to be registered by licensing. Cats running at large are considered to be feral cats.

SECTION 4: The number of pets that an owner may possess shall be limited to three (3) dogs and/or cats total per household. Pets that are contained in enclosures within a home such as in cages, terrariums, tanks, etc. are not subject to this Ordinance and not to be included when determining the number of

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pets allowed. There shall be no exception to this limit. Keeping or harboring of pets owned by others shall be limited to fourteen (14) days and limited to two (2) pets.

SECTION 5: Feeding of dogs or cats that are not owned by those providing the food (Strays) is discouraged. Providing food shall automatically make the provider of said food the responsible Owner of the animal(s) being fed and therefore responsible for compliance with all the sections of this Ordinance and any damages caused by said animals. Such animals shall be included when counting the number of pets allowed in Section 4 above.

SECTION 6: The capture and spaying/neutering of any stray/feral animal and subsequently releasing those animals back into the environment from which they were captured is defined as abandonment and is subject to punishment as a misdemeanor in accordance with Idaho Code Title 25 Chapter 35

SECTION 7: It shall be unlawful for any owner of a pet to allow that pet to run at large. When walking dogs within the City of Mackay, the dog(s) shall be on a leash and under control of the person walking the dog at all times. Cats are not required to be on a leash when accompanied by the owner.

SECTION 8: If any pet is found running at large in violation of SECTION 7, The Owner, upon identification, shall be issued a citation for violation of SECTION 7 of this Ordinance and subject to a fine of \$25.00 per pet. Dangerous or unsafe pets running at large, which cannot be captured safely by live trapping, catch pole, or other humane method may be put down (killed).

SECTION 9: It shall be unlawful for any Owner or keeper of any pet to permit that pet to become a nuisance to neighbors. A barking dog(s), is considered a nuisance if (1) continual barking of the dog(s) for an extended period of time (time in excess of 30 minutes per instance); (2) pets running at large; or (3) complaints to City Officials regarding said pet(s). At large or stray animals, including feral cats, are considered nuisances.

The owner shall be issued a verbal warning and required to remedy the problem. A written citation will be issued for the second notice of violation and will be subjected to a fine of \$25.00 The Owner shall be issued a written citation, fined \$50.00 and required to remove the pet(s) upon a third nuisance report.

The owner of any animal shall be responsible for any and all property damage caused by their pets. See Section 2 of this Ordinance for the definition of Owner.

SECTION 10: The City of Mackay does not maintain a Pound, Shelter, Kennel, or any other similar enclosure for the housing/containment of animals. The City does not provide an Animal Control Officer. Nuisance animals or animals running at large are to be reported to the City Clerk during regular business hours; and, a City employee will assist in identifying the owner of the animal if unknown; and, issuing citations if necessary. Custer County Sheriff's Department shall be available for issuing of citations as deemed necessary by the City.

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Neighbors are encouraged to help one another and help keep calls to the City Clerk at a minimum. Calls to the Clerk should be a last resort, after other attempts to have the Owner control their pets have not resulted in satisfactory remediation of the violation(s).

The City will provide live traps to assist property owners in the capture of feral cats/raccoons/skunks/etc. on their own property. Disposal of the trapped animal is the responsibility of the property owner and not the City of Mackay.

SECTION 11: Owners of pets may walk them on City Property and in the City Parks. Owners are forbidden to walk their pets on property which they do not own. Owners walking their pets on City Property or in the City Parks are required to collect and properly dispose of any solid waste deposited therein. See also SECTION 7 of this Ordinance. Failure to properly dispose of pet waste deposited in the aforementioned locations could result in a fine of \$50.00 per violation.

SECTION 12: Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Mayor, if deemed necessary, shall issue a proclamation ordering everyone owning or keeping a pet to confine it securely on the owner's property.

SECTION 13: If any pet is believed to have rabies, such pet shall be placed under the observation of a veterinarian at the expense of the Owner.

SECTION 14: It shall be unlawful for any person to operate a kennel anywhere within the City of Mackay. Anyone found operating a kennel in violation of this Ordinance shall be fined \$300.00 and the Owner of the animals will be required to dispose of all pets in excess of the number of pets allowed in Section 4.

SECTION 15: Any violation of the terms of this Ordinance shall be deemed a Public Nuisance and subject to injunction under the Laws of the State of Idaho and the Ordinances of the City of Mackay.

SECTION 16: This Ordinance shall be in full force and effect immediately upon its passage and publication according to law, the Council dispensing with the rule that ordinances must be read on three different days, all as provided by law.

PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO, THIS 7th DAY OF JUNE 2016.

CITY COUNCIL OF THE CITY OF MACKAY, CUSTER COUNTY, IDAHO A MUNICIPAL CORPORATION OF IDAHO

By: Wayne Olsen
Wayne C. Olsen, Mayor

ATTEST: Suzanne Whitworth
Suzanne Whitworth, City Clerk

