

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 6, CHAPTER 2 – ANIMAL CONTROL, SPECIFICALLY SECTION 6-2-1 ADDING AND DELETING CERTAIN DEFINITIONS; SECTION 6-2-2 ADDING PROVISIONS REGARDING CRUELTY TO ANIMALS; SECTION 6-2-6 REMOVING AND ADDING NEW PROVISIONS REGARDING VICIOUS ANIMALS; SECTION 6-2-7 REMOVING PROVISIONS REGARDING THE DETERMINATION OF A VICIOUS ANIMAL AND ADDING NEW PROVISIONS REGARDING THE PROCESS OF DETERMINING WHETHER AN ANIMAL IS VICIOUS; SECTION 6-2-8 DELETING THE TEXT FROM THIS SECTION REGARDING REGISTRATION AND LICENSING OF VICIOUS ANIMALS AND LEAVING THE SECTION BLANK; SECTION 6-2-9 DELETING THE TEXT FROM THIS SECTION REGARDING CONTROL OF VICIOUS ANIMALS AND LEAVING THE SECTION BLANK; SECTION 6-2-10 REMOVING AND ADDING NEW PROVISIONS REGARDING PENALTIES FOR VIOLATIONS; SECTION 6-2-12 REMOVING CERTAIN LANGUAGE IN THIS SECTION REGARDING THE DESTRUCTION OF OFFENDING VICIOUS ANIMALS; SECTION 6-2-14 ADDING CERTAIN LANGUAGE REGARDING VIOLATIONS; SECTION 6-2-16 ADDING LANGUAGE REGARDING RUNNING AT LARGE AND LEASH REQUIREMENTS; SECTION 6-2-20 ADDING PROVISIONS CONCERNING CONDITIONS OF KENNEL LICENSURE, DOG LICENSE TAGS AND ADDING PROVISIONS REGARDING FOR SPAYING AND NEUTERING OF LARGE BREED DOGS; SECTION 6-2-21 ADDING PROVISIONS REGARDING QUARANTINE AND SURRENDERING OF ANIMALS AND CONTAGIOUS DISEASED ANIMALS AT LARGE; SECTION 6-2-22 ADDING PROVISIONS REGARDING RABIES VACCINATION REQUIREMENTS; SECTION 6-2-23 REVISING PROVISIONS CONCERNING NUISANCE ANIMALS FOR FIRST, SECOND AND THIRD AND SUBSEQUENT VIOLATIONS; SECTION 6-2-24 REVISING PROVISIONS REGARDING NUISANCE NOISE; SECTION 6-2-28 REVISING PROVISIONS REGARDING IMPOUNDMENT; PROVIDING FOR SEVERABILITY; PROVIDING A SAVINGS CLAUSE; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE MAYOR AND THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF IDAHO:

SECTION 1. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-1 of Nampa City Code as follows:

6-2-1. Definitions.

As used in this chapter, each of the terms defined has the meaning given in this section unless a different meaning is clearly required by the context. The word "shall" is mandatory, not directory.

Abandon: To forsake and/or desert an animal previously under the custody or possession of a person without making reasonable arrangements for its proper care, sustenance and shelter.

Abuse: Any case in which an animal has been the victim of intentional or negligent conduct resulting in harm to the animal including the animal's bruising, bleeding, malnutrition, dehydration, burns, fractures or breaks of any bones, subdural hematoma, soft tissue swelling or death.

Animal: Any organism other than human beings needing food to maintain and sustain its life which generally has mobility and a developed central nervous system.

Animal control: The personnel within the city authorized to provide animal control enforcement services.

At large: Off the premises of the owner, and not under the immediate control of the owner, a member of his immediate family, or other responsible person, either by leash, cord or chain.

Cruelty: "Cruel" or "cruelty" shall mean any or all of the following:

- A. The intentional and malicious infliction of pain, physical suffering, injury or death upon an animal;
- B. To maliciously kill, maim, wound, torment, deprive of necessary sustenance, drink or shelter, cruelly beat, mutilate or cruelly kill an animal;
- C. To subject an animal to needless suffering or inflict unnecessary cruelty;
- D. To knowingly 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 sustenance, water or shelter to an animal.

Dog: Shall include both male and female domestic canines, whether neutered or spayed.

Domesticated animal: An animal that lives in or near the habitations of humans, often tamed, which is kept for companionship or utility but not for commercial purposes, including, but not limited to, amphibians (nonvenomous), cats, dogs, birds (excluding licensed birds of prey), reptiles (lizards, nonvenomous snakes), rodents (hamsters, gerbils, guineapigs, mice, rats, ferrets), aquarium fish and rabbits (although these are often "farmed"), and insects. Also, any agricultural animal so designated by permit from the planning director. ~~An animal of a species of vertebrates that has been domesticated by humans so as to live and breed in a tame condition and depend on humankind for survival.~~

Enclosure: A fence or structure of at least six feet in height, forming or causing containment suitable to prevent the entry of young children and non-owner adults, and suitable to confine an animal in conjunction with other measures which may be taken by the owner such as tethering of the animal. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping.

Impounded: Taken into the custody of law enforcement or animal control personnel.

Licensing authority: The City of Nampa and its designated agents, including those entities and veterinarians authorized to issue licenses.

Livestock: Animals normally kept for commercial production and sale, utility, and/or family food production, excluding swine, but including, and not limited to, cattle, horses, mules, llamas, alpacas, emus,

ostriches, rheas, goats, potbellied pigs (only when kept as "pets" by special permit), sheep, turkeys, miniature horses, chickens, chinchillas, rabbits, ducks and geese. ~~Domesticated animals raised in an agricultural setting to produce commodities such as food, fiber, and labor.~~

Misuse: The intentional causing of an animal to perform a noncustomary task which could be dangerous or harmful to the animal.

Nuisance: Any animal which molests passerby, or chases vehicles, or attacks other domestic animal(s), or trespasses upon public or private property in such a manner as to damage the property.

Nuisance noise: Any animal which commits excessive, continuous, or untimely barking or noise.

Owner: Any person keeping, harboring, possessing, providing care for or having any custodial duties over any animal.

Service animal: Dog(s) that are individually trained to do work or perform tasks for people with disabilities. The tasks performed by the dog must be directly related to the person's disability, per the Americans With Disabilities Act (ADA) requirements.

~~*Sign:* Any structure used to attract attention to any object, place, activity, person, animal, business which shall display or include any letter, word, insignia, device or representation used as, or which is in the nature of an announcement, direction or advertisement. For the purposes of this chapter the sign shall be constructed of wood, metal or other similar weatherproof material, at least 24 inches by 24 inches in size, with letters in indelible or fluorescent ink with the words in clear, capital letters as follows: "VICIOUS ANIMAL ON PREMISES", "VICIOUS DOG ON PROPERTY", or words of similar meaning; and shall be posted at all visible entryways onto the owner's property, or where dog is lodged.~~

Vicious animal: Any animal dog which, when not provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing.

Wild animal: An animal living in a state of nature; not tamed or domesticated.

SECTION 2. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-2 of Nampa City Code as follows:

6-2-2. Cruelty to animals.

Any person who commits cruelty to an animal as defined in section 6-2-1 or as provided in this Section 6-2-2 of this chapter is guilty of a misdemeanor. It is the duty of any police officer, animal control officer, or other designated city employee to take possession of any animal for which he has probable cause to believe has been cruelly treated under the terms of this chapter, and deliver such animal to an animal shelter or a veterinarian. All costs incurred for the maintenance of such animal will be paid by the person charged with the offense.

A. Cruelty to an animal shall also consist of the following:

1. Any owner of an animal who fails to provide such animal with care sufficient to preserve the health, safety, and well-being of animal, except for circumstances beyond the reasonable control of the owner or custodian of the animal, which includes failure to do or provide the following:

- a. Adequate and appropriate food, in a sufficient quantity to allow for normal growth or maintenance of body weight; or
 - b. Adequate access to potable water in sufficient quantity to satisfy the animal's needs; or
 - c. Proper shelter and protection from the weather; or
 - d. Proper veterinary care necessary to relieve or to prevent suffering or disease; or
 - e. A clean environment in which to live, free from excessive waste or other contaminants that could affect the animal's health; or
 - f. Protection from the abuse of other persons; or
 - g. Prevention of severe matting of fur, severe overgrowth of nails or hooves such that it could cause pain or result in harm or injury to the health and well being of the animal.
- 2. Any person who, through act or omission, does any of following specific acts with or upon an animal(s):
 - a. Abuse; or
 - b. Beats, maims, mutilates, knowingly or intentionally injures, wounds, or tortures; or
 - c. Misuses; or
 - d. Overloads, overworks, or overrides; or
 - e. Abandons; or
 - f. Exposes to unreasonable danger to health or life; or
 - g. Willfully and unlawfully administers any poisonous or harmful substance to an animal, or maliciously places any poisonous or harmful substance where it would be readily found by an animal, or where it would attract an animal, with the intent that the animal ingest or absorb such poisonous substance. This subsection does not include use of poisons or harmful substances to control nuisance rodents, including but not limited to, rats, mice, gophers, voles and moles;
 - h. Transport in, on, or upon any vehicle in a manner that is reckless or dangerous to the animal or public; or
 - i. Exposes the animal for a prolonged period of time to extreme heat or cold conditions that results in hypothermia, hyperthermia, frostbite, other injurious condition, or death as diagnosed by a veterinarian.
- 3. Improper use of Restraint Devices: A person uses a rope, chain, cable, cord, tether, electronic containment fence, or other similar device to restrain an animal without complying with the following criteria :
 - a. In the case of a device other than a containment fence, the device must be affixed to the animal by use of a nonabrasive collar or harness. The device must be at least eight (8'). The device must be fastened so the animal can sit, walk and lie down, and must be unobstructed by objects that may cause the device or animal to

become entangled and injured No such device shall weigh more than one-eighth ($\frac{1}{8}$) of the dog's or puppy's weight.

b. The animal must have easy access to adequate shade, shelter, food and potable water.

4. Public Property: It is unlawful for any person to chain, stake out, graze or herd any animal, including, but not limited to, a dog or cat, on any unenclosed premises so any part of the animal extends onto or over a sidewalk, alley, street, or other public property or beyond the owner's property line or in a commonly held area accessible to the public.

Forfeiture of Abused Animals: An animal that is the subject of conduct constituting cruelty to an animal may be impounded, subject to forfeiture, and the owner or custodian shall be liable for and required to pay related fees and costs as set forth in this chapter. The City may pursue forfeiture of the animal in accordance with the procedures set forth in Idaho Code Section 25-3520B., as amended.

SECTION 3. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-6 of Nampa City Code as follows:

6-2-6. Vicious animals.

~~A. *Definition.* Any dog which, when not provoked, physically attacks, wounds, bites or otherwise injures any person who is not trespassing. It shall be unlawful for the owner of any dog which has been declared vicious, or for the owner of any premises on which the dog that has been declared vicious is present, to harbor a vicious dog outside of a secure enclosure. Persons guilty of a violation of this section shall be guilty of a misdemeanor.~~

~~B. *Exceptions.*~~

- ~~1. Notwithstanding this definition, no animal may be declared vicious if an injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon the premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.~~
- ~~2. Working dogs including, but not limited to, guard dogs, police dogs and stock dogs, are exempt from this classification while performing their specified duties.~~

A. Vicious Animals Unlawful: It is unlawful to own, possess or have custody of a vicious animal anywhere within the City.

1. Vicious Animal: A vicious animal is:

a. Any animal which, when unprovoked, physically attacks, wounds, bites, or otherwise injures any person or other domestic animal upon the streets, sidewalks,

any public grounds or places, or private property not owned or possessed by the owner of the animal; or

b. Any animal with a prior administrative agency or judicial determination, in any jurisdiction, that the animal is vicious or dangerous, acted viciously or engaged in an unprovoked attack or biting of a person(s); or

c. Any animal owned or harbored primarily or in part for the purposes of fighting or attacking people or any animal trained for fighting or attacking persons or animals.

2. Exceptions:

a. No animal may be declared vicious because an injury or damage is sustained by a person who, at the time that such injury or damage was sustained: a) was committing a willful trespass or other crime or tort upon the premises occupied by the owner of the animal, whether or not the animal's owner is present at the time; or b) was teasing, tormenting, abusing or assaulting the animal; or c) was committing or attempting to commit a crime; or d) was breaking up a fight between animals.

b. No animal may be declared vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

c. No dog owned, maintained, or kept for work as a law enforcement dog, either currently or retired, may be declared vicious if the action that would be defined as vicious took place while the dog was acting within its capacity for law enforcement purposes.

B. Seizure, Impoundment; Costs: In the event that the animal control officer has probable cause to believe an animal is vicious and may pose a threat of serious harm to human beings or other domestic animals, the animal control officer may seize the animal and impound it in the animal shelter pending a judicial determination on whether the animal is vicious. The owner or keeper of the animal shall be responsible for the reasonable costs of the seizure and the care, keeping and disposal of the animal. Reasonable costs shall include, but shall not be limited to, transportation, medical, board, shelter and farrier costs.

SECTION 4. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-7 of Nampa City Code as follows:

6-2-7. – Determination of Vicious Animal.

~~A. Power to seize and impound animal. In the event that an animal control officer or law enforcement officer has probable cause to believe that any animal is a threat or may pose a threat of serious harm to human beings, the animal control officer or law enforcement officer may seize and impound the animal pending a determination hearing to determine if the animal should be declared a vicious animal. The owner of the animal shall be liable to the animal shelter for the costs and expenses of impoundment of such animal.~~

~~B. Initial hearing. The chief of police or his designee shall be empowered to convene a hearing for the purpose of determining whether or not the animal in question should be declared vicious. The animal control officer or chief of police shall conduct or cause to be conducted an investigation and notify the owner of the animal that a hearing will be held, at which~~

time he may have the opportunity to present evidence why the animal should not be declared vicious.

1. ~~*Hearing.* The hearing shall be held promptly within no less than five nor more than ten days after service of notice upon the owner of the animal. The hearing shall be informal and open to the public.~~
 2. ~~*Determination.* After the hearing, the owner of the animal shall be notified in writing of the determination. If a determination is made that the animal is vicious, the hearing panel shall determine whether the animal is capable of meeting the requirements in section 6-2-8 of this chapter, or whether it shall be destroyed.~~
 3. ~~*Compliance with decision.* The owner shall comply with the decision of the hearing panel and provisions of this chapter in accordance with a time schedule established by the chief of police or his designee. In any case, compliance must be achieved in less than 15 days subsequent to the date of the postmark on the written notification of determination if the same is mailed to the owner, or the date of the determination if the owner is present at the hearing and provided with the written notification of determination on the day of the hearing. If an owner fails to comply with the decision of the hearing panel within the 15 days, or fails to appeal the decision within five days, then the animal shall be destroyed.~~
 4. ~~*Appeal.* The owner may appeal the hearing panel's determination by filing with the Nampa City Clerk either a written appeal of the determination or a written petition not to destroy within five days subsequent to the date of the postmark of the written notification of determination if the same is mailed to the owner, or the date of the determination if the owner is present at the hearing and provided with the written notification of determination at the hearing. The appeal may request that the Nampa City Council conduct its own hearing on whether or not the animal should be declared vicious, and the conditions to be imposed. At the time of the filing of the appeal or petition, the Nampa City Clerk shall notify the animal control officer for the City of Nampa, and further proceedings shall be stayed pending the hearing by the Nampa City Council. The victim or their legal guardian may also appeal a decision of "not vicious" to the Nampa City Council. The timeline for the victim or legal guardian to file an appeal is the same as that of the owner or claimant.~~
- C. ~~*City council appeal hearing.* The Nampa City Council shall conduct a hearing and make its own determination as to whether the animal should be determined vicious and whether the animal is capable of licensing and registration in accordance with section 6-2-8 of this chapter. The hearing shall be conducted within 30 days of the filing of the appeal or petition with the Nampa City Clerk. If the Nampa City Council determines the animal to be vicious according to the definitions and provisions within this chapter and the facts presented, the Nampa City Council may establish a time schedule to ensure compliance with this chapter, but in no case shall remedial action occur more than 30 days subsequent to the date of the Nampa City Council's determination.~~
1. ~~The Nampa City Council may decide all issues for or against the owner of the animal regardless of the fact that said owner fails to appear at said hearing.~~

2. ~~The determination of the Nampa City Council shall be final and conclusive upon all parties. However, the animal control officer or any law enforcement officer shall have the right to declare an animal to be vicious for any subsequent actions of the animal.~~
 3. ~~The animal shall remain impounded pending the appeal in an animal shelter at the owner's expense. During the appeal process and not when contrary to public safety, the chief of police or his designees shall permit the animal to be confined at the owner's expense in a department approved commercial kennel or veterinary facility.~~
- D. ~~*Final disposition.* If the final disposition of the animal is for it to be released to the owner, written notice of the release will be delivered to the impounding facility and the owner will be notified that the animal can now be retrieved from the impounding facility. The owner will have five days from the time of the notification of release to pay all the costs and fees associated with the animal's stay at the impounding facility and remove the animal from the facility. If the owner fails to pay the costs and fees and remove their animal from the impounding facility before the expiration of the five-day period, the owner will lose all rights and responsibilities to the animal and the final disposition of the animal will be decided by the impounding authority. In addition, the owner or agent of the owner will not be granted adoption opportunities after final disposition.~~
- A. In the event the animal control officer has probable cause to believe an animal is vicious the animal control officer shall submit a report and any supporting evidence to the city attorney regarding officer's determination concerning the animal. The city attorney may bring a petition in the magistrate court of the third judicial district praying that the court conduct a hearing and determine whether the animal should be declared to be vicious under the provisions of this section 6-2-6. If the subject animal has been impounded and the court determines that there is probable cause to believe that the animal is vicious the court shall require the owner or keeper to post a bond or provide a security deposit to the animal shelter pending adjudication in an amount the court deems sufficient to cover the estimated costs of the seizure and the care, keeping and potential disposal of the animal. Upon the Owner being served with notice of the petition the hearing shall be conducted within fourteen (14) days. The issue shall be decided upon a preponderance of the evidence. If the court rules the animal to be vicious then the court shall decide, based upon the nature of the applicable circumstances, whether the animal is to be destroyed or permanently removed from the City. If the owner fails to file a timely appeal of the court's decision, then the animal shall be destroyed or permanently removed from the City as ordered by the court.
- B. The court may decide all issues for or against the owner of the animal and/or the animal regardless of the fact that the owner fails to appear at said hearing. The determination of the court shall be final and conclusive upon all parties. However, the animal may be impounded and/or declared to be vicious based on any subsequent actions of the animal.
- C. Appeal From Magistrate Court: The decision of the magistrate court may be appealed to the district court by the owner of the animal or the City within forty two (42) days of the decision. If the animal was impounded, it shall remain impounded pending the appeal. If the district court finds, upon review of the record and after hearing the arguments of the parties, that the animal is not vicious, such animal may be released to the custody of the owner upon payment

of the expense of keeping such animal. The costs shall be paid in full prior to the release of said animal.

D. Vicious Animal Adjudication, Fines and Fees: If an animal is found to be vicious, the owner shall be liable to the animal shelter for any and all costs and fees chargeable for its services to the animal while impounded related to the determination of whether the animal is vicious. In the event the animal is not found to be vicious, it shall be returned to the owner who will not be responsible to the animal shelter for its costs and fees for its services, but may be responsible for any other costs or fees legitimately assessed for sterilization, licenses, rabies inoculation, necessary medical care, etc. An animal control officer may impound an animal and a judicial determination of whether the animal is vicious may be pursued upon subsequent actions of the animal.

E. Vicious Animal Adjudication, Destruction or Removal From City: If the animal is found to be a vicious animal by the court, the animal shall be destroyed or the owner shall permanently remove the animal from the City as determined by the court. If the owner is allowed to remove the animal from the City then the Owner shall sign an acknowledgement that the animal is not allowed within the City and that it will be kept outside of the City at all times.

F. Return Of Vicious Animal: If an owner is allowed to permanently remove a vicious animal from the City and such animal is again impounded from within the City, it shall be destroyed.

SECTION 5. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-8 of Nampa City Code as follows:

6-2-8. Registration and licensing of vicious animals.

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~~A. *Requirements.* Any animal determined a vicious animal that is allowed the option of licensing and registration shall only be licensed and registered as follows:~~

- ~~1. No vicious animal shall be licensed for any licensing period commencing after October 1, 1988, unless the owner or keeper of such vicious animal meets the following requirements:~~
 - ~~a. The owner shall present to the licensing authority, proof that the owner or keeper has procured liability insurance in the amount of not less than \$500,000.00 covering any damage or injury which may be caused by such vicious animal during the 12 month period for which licensing is sought. The policy shall contain a provision requiring the licensing authority, or other entity required by the licensing authority, to be named as additional insured for the sole purpose of the licensing authority where such animal is licensed to be notified by the insurance company of any cancellation, termination or expiration of the liability insurance policy; and~~
 - ~~b. The owner shall, at his own expense, have the licensing number assigned to such vicious animal, or such other identification number as the licensing authority determines, recorded upon an electronic microchip, the type of which is standard in the veterinary community, and then implanted within the vicious animal by a licensed~~

- veterinarian, or someone trained and licensed for the implantation of electronic microchips. The electronic microchip shall be implanted within the vicious animal in a location that is standard within the industry for placement of such chips. The identification number recorded on the microchip shall be the same number that is noted on the licensing files for such vicious animal, if that number cannot be utilized, the number contained on the microchip shall be noted in the file of the vicious animal; and
- c. ~~The owner shall have and maintain an enclosure in conformance with section 6-2-1 of this chapter, for the vicious animal where the vicious animal will be kept or maintained; and~~
 - d. ~~The owner shall display a sign in conformance with section 6-2-1 of this chapter on his premises warning there is a vicious animal on the premises. Said sign shall be visible and capable of being read from the public highway; and~~
 - e. ~~The owner shall sign a statement attesting that:~~
 - (1) ~~The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the 12 month period for which licensing is sought, unless the owner ceases to own or keep the vicious animal prior to expiration of such license;~~
 - (2) ~~The owner shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the vicious animal on the property where the vicious animal will be kept or maintained;~~
 - (3) ~~The owner shall notify the licensing authority and the animal control officer within 24 hours if a vicious animal is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the vicious animal has been sold or given away the owner shall also provide the licensing authority with the name, address and telephone number of the new owner of the vicious animal; and~~
 - (4) ~~The owner of the vicious animal will comply with all provisions of this chapter in keeping and maintaining the vicious animal.~~
- B. ~~Compliance.~~ An animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any such animal control officer is hereby empowered to seize and impound any vicious animal whose owner fails to comply with the provisions hereof.

In the event that the owner of the animal refuses to surrender the animal to the animal control officer, the animal control officer may obtain a search warrant and seize the animal upon execution of the warrant.

SECTION 6. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-9 of Nampa City Code as follows:

6-2-9. Control of vicious animals.

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- A. All vicious animals shall be confined in an enclosure except as otherwise permitted herein. It is unlawful for any owner to maintain a vicious animal upon any premises which does not have a locked enclosure.

~~B. It is unlawful for any owner to allow any vicious animal to be outside of the dwelling of the owner or outside of the enclosure unless it is necessary for the owner to obtain veterinary care for the vicious animal or to sell or give away the vicious animal or to comply with commands or directions of the animal control officer with respect to the vicious animal, or to comply with the provisions of section 6-2-8 of this chapter. In such event, the vicious animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner of the vicious animal.~~

SECTION 7. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-10 of Nampa City Code as follows:

6-2-10. Penalties for violation.

~~A. Any animal determined to be a vicious animal, whose owner fails to comply with the provisions contained in sections 6-2-8 and 6-2-9 of this chapter shall be confiscated by the animal control officer and following a hearing to determine noncompliance, said animal shall be destroyed in an expeditious and humane manner. In addition, the owner shall be guilty of a misdemeanor.~~

~~B. No fine and/or microchip requirement shall be suspended by any court of competent jurisdiction.~~

A. If an owner is allowed to permanently remove a vicious animal from the City and such animal is again impounded from within the City, said owner shall be guilty of a misdemeanor and shall be punished as provided in Idaho Code 50-302(1) and 18-113, as amended.

B. Animal Which Bites, Injures or Attacks: The owner or custodian of an animal which bites, injuries or attacks a human being without provocation or without being subject to the exceptions noted in Section 6-2-6 subsection A.2. a, b, or c shall be guilty of a misdemeanor and shall be punished as provided in Idaho Code 50-302(1) and 18-113, as amended.

C. Vicious Animal Running At Large: Any owner or custodian of any vicious animal running at large shall be guilty of a misdemeanor and shall be punished as provided in Idaho Code 50-302(1) and 18-113, as amended.

SECTION 8. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-12 of Nampa City Code as follows:

6-2-12. Destruction of offending vicious animals.

If any vicious animal, which unprovoked, kills or wounds, attacks, assaults, bites or otherwise injures any human being or assists in attacking, assaulting, biting or otherwise injuring any human being while out of or within the enclosure of the owner or keeper of such vicious animal, or while otherwise, on or off the property of the owner whether or not such vicious animal was on a leash and securely muzzled or whether the vicious animal escaped without fault of the owner or keeper, the owner or keeper of such animal shall be liable to the person aggrieved as aforesaid, for all damages sustained, to be recovered in a civil action, with cost of suit. It is reputably presumed as a matter of law that the owning, keeping or harboring of a vicious animal in violation of this chapter is a nuisance. It shall not be necessary, in order to sustain any such action, to prove that the owner of such vicious animal knew that such vicious

animal possessed the propensity to cause such damage or that the vicious animal had a vicious nature. ~~Upon such attack or assault, the animal control officer is empowered to confiscate and destroy such vicious animal, after review and permission is given by an administrative supervisor of animal control immediately upon impounding the vicious animal, if the conduct of such vicious animal or its owner constituted a violation of the provisions of this chapter, punishable by the confiscation and destruction of the animal.~~

SECTION 9. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-14 of Nampa City Code as follows:

6-2-14. Uniform summons; prosecution; fine schedule.

A. Citation.

1. *Violations.* ~~Unless otherwise stated in this chapter, V~~violations of the provisions of this chapter shall be a misdemeanor and shall be punished as set forth in Idaho Code section 18-113, as amended, or in accordance with any more specific section(s) of this chapter.
2. *Idaho uniform citation.* The Idaho uniform citation shall be used by the animal control officer, or peace officer in the enforcement of this chapter.

B. Fine schedule. Unless otherwise stated within this chapter, the fine schedule for a dog, for no license and/or rabies shot, for failure to confine a canine in heat, and/or for failure to confine a canine shall be a minimum of \$50.00 plus court costs for a first offense. The fine schedule for a second offense within five years shall be a minimum of \$100.00. The fine schedule for a third, and any subsequent offense, shall be a minimum of \$150.00. These fines may be paid to the court or as provided by Rule 14 of the Misdemeanor Criminal Rules.

SECTION 10. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-16 of Nampa City Code as follows:

6-2-16. Dogs; special provisions.

A. Training and exercise grounds. The council may designate such areas of the public park or other public grounds of the city which may be used, subject to the rules and regulations as may be prescribed, for the training or exercise of dogs. Dogs within such areas so designated need not be controlled by leash, but shall be under the control of a responsible person and controlled by whistle, voice, or other effective command.

B. Running at large prohibited. Any person who owns, harbors, keeps, claims, or possesses an animal, whether the animal is licensed or not, which animal if found at large upon the streets or alleys of the city, or in any public place in the city or upon any other premises without the consent of the person in possession of such premises, is responsible for such animal being at large and in violation of this section; except:

1. When such animal is controlled by a leash not exceeding eight feet in length; or
2. Such animal is confined in a motor vehicle; or

3. When written permission is obtained in advance from the city to have a dog or dogs at large; or
4. When such animal is within a designated "training and exercise ground" and is properly controlled as set forth in subsection A of this section; or
5. When such animal is under the immediate control of a responsible person and immediately responsive to that person's command; however
6. Animals within a "park" as defined in section 9-5-1 of this Code shall be subject to the restrictions set forth in section 9-5-9 of this Code.

All dogs must be restrained by a leash in public except as provided in this chapter. Any person who has a dog restrained on a leash in a public place must be capable of controlling the dog, and the leash must be of adequate size and strength to restrain the dog considering the size and strength of the dog. Dogs within designated training and exercise areas described in Subsection A above are not required to be controlled by leash, if under the control of a responsible person by voice, whistle, or other effective command.

- C. *Dogs in pre-estrus state.* It shall be unlawful for the owner, keeper, or possessor of a female canine in the pre-estrus state (in heat) to fail, neglect, or refuse to confine such animal indoors in a type of kennel preventing nuisance or undesired fertilization by male canines unless restrained by a leash not exceeding eight feet in length, and under the immediate control of the owner, keeper, or possessor (e.g., in their accompaniment if off the property).
- D. *Penalties.* Any person who pleads guilty to, or is found guilty of, a violation of the provisions of subsection B, "Running at large prohibited", of this section, shall be guilty of an infraction. Any person who pleads guilty to, or is found guilty of, a third or subsequent violation of the provisions of subsection B, "Running at large prohibited", of this section, within a period of three years of the first conviction, shall be guilty of a misdemeanor for each offense.

Any person who pleads guilty to, or is found guilty of, a violation of the provisions of any other provision of this section shall be guilty of a misdemeanor for each offense.

SECTION 11. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-20 of Nampa City Code as follows:

6-2-20. Licensing.

A. *Canine license required; application.*

1. *Licenses.*
 - a. *License required.* It shall be unlawful for any person to own, harbor, keep or possess a canine more than six months of age within the City of Nampa without first procuring a license therefor, as provided by this section.
 - b. *Exception.* The provisions of this section shall not apply to any person visiting the City of Nampa for a period not exceeding 30 days.

- c. *Term of license.* Canine licenses may be purchased for a one year or three year period. All canine licenses shall begin on the date when issued and shall remain in effect until either one or three years following payment of the appropriate license fee or the date the current rabies vaccination expires, whichever comes first.
- d. *License; application; fees.* All dogs shall be licensed as set forth in this section. Canine licenses may be purchased for a one year or three year period. All canine licenses shall begin on the date when issued and shall remain in effect until either one or three years following payment of the appropriate license fee or the date the current rabies vaccination expires, whichever comes first. Licenses shall be issued by the City of Nampa for either one year or three years effective from the date of issue. The owner or person having charge of any canine within the city shall make application for such license and pay a license fee according to the schedule adopted by the city.
 - (1) Upon receipt of such application and payment of fees, the person issuing the license shall issue a receipt designating the owner's name and the number of the license, the sex (or status of spayed or neutered) of the dog and the amount paid by him together with a metal tag bearing the number corresponding to the number on the receipt. No dog will be licensed as spayed or neutered without proof that such surgery was performed. If a license is lost, the animal shelter director or other designated agent shall, upon application and payment of \$2.50, issue a duplicate license. Licenses for the following year may be purchased within 90 days prior to the expiration date. If a dog is licensed as a male or female, and is spayed or neutered within the licensing period, the licensing authority shall, upon presentation of a veterinarian's statement of spaying or neutering, refund the difference in license fee. Each applicant for license shall certify on the application form that the dog is currently vaccinated for rabies.
 - (2) License fees shall be waived for any trained service or guide dog that has been properly trained for the purpose of and is used to guide a blind or partially blind person, a person with impaired hearing, or any other severely disabled person who requires a trained service or guide dog.
- e. *Proof of spay/neuter and rabies vaccination required.* No canine will be licensed as spayed or neutered without proof that such surgery was performed. No canine will be licensed without proof of current rabies vaccination.
- f. *Receipt, tags; duplicate license.* Upon receipt of application for license and payment of fees, the person issuing the license shall issue a receipt designating the owner's name and the number of the license, the sex (or status of spayed or neutered) of the canine and the amount paid by him together with a metal tag bearing the number corresponding to the number of the receipt. If a license is lost, the designated agent, through the City of Nampa, shall issue a duplicate license. Licenses for the following year may be purchased within 90 days prior to the expiration date.
- g. *Trained service or guide canine fees waived.* License fees shall be waived for any trained service or guide canine that has been properly trained for the purpose of and is used by a disabled person who requires a service dog to provide specific tasks related to the person's disability.
- h. *Kennel license.* It is unlawful to keep, maintain or possess upon the premises of any one dwelling unit more than two dogs over the age of six months or two potbellied pigs as described in section 10-21-3 of this Code, unless the owner or person in

charge thereof obtains a kennel license and any conditional use permit required according to the City of Nampa, Idaho, Zoning Ordinance. If a kennel license is issued, the holder shall pay to the city an annual license fee established by council resolution. Such kennel license shall only be permitted and issued in accordance with the terms and provisions of this section as hereafter noted:

(1) *Conditions.* The permit shall be issued or renewed only if the department determines that the following conditions have been met:

(A) *Rabies vaccination.* The animals are vaccinated for rabies and other common diseases;

(B) *Safe habitation.* The animals are housed properly providing that the property may be inspected by animal control to determine if the animal's habitation and living conditions are safe, healthy and do not present a nuisance. The property must have secure fencing to contain the animals; the animal(s) must be controlled and not create a nuisance noise as provided in this Chapter or, in addition to other penalties, the conditional use permit may be revoked

(C) *Running at large.* The animals have not been impounded more than twice at the shelter for running at large or received any other animal control law violations within the past calendar year;

Further, the following conditions shall be allowed by Nampa City Council:

(D) *Duration of permit.* The duration of the conditional use permit may be affixed to the ownership or possession of the animals by the applicant such that the conditional use expires if the property where the animals are kept changes by way of ownership, rent or lease;

(E) *Noticing.* Notice of any public hearing required on any application for a kennel license shall be mailed to all surrounding property owners in a 300 foot radius. If a kennel license is issued, the holder shall pay to the city an annual license fee established by council resolution.

i. *Imitation license tags.* ~~It is unlawful for any person to allow any dog owned, kept or harbored by him to wear a license tag received on account of a former licensee or to wear any imitation of the license tag issued for that year.~~ No person shall knowingly allow any dog owned, kept, or harbored by him or her to wear an expired license tag, a tag issued for a different dog, or any other counterfeit tag. Expired, counterfeit, or otherwise illegal dog license tags may be confiscated upon discovery by an authorized officer.

j. *Collar; tag.* Every dog shall at all times wear a substantial, durable collar, to which is securely attached the required license tag.

B. *Nonsterilized canine.* It shall be unlawful to own, possess or keep in the city any dog over the age of six months that has not been spayed or neutered except as provided as follows:

1. *Statement of a veterinarian.* If a licensed veterinarian states in writing that an animal is unfit to undergo the required surgical procedure because of an extreme health condition of the animal. Such extreme health condition shall include, but not be limited to: severe cardiovascular compromise, bleeding disorder, respiratory disease and hepatic disease. The old age of an animal shall not, of itself, constitute an extreme health condition for purposes of this section; or

2. *Show or event.* If an animal is temporarily in Nampa to participate in a show or event sponsored by a sanctioned animal organization; or
 3. *Imported or visiting canine.* If an animal is owned, possessed or kept in the city for fewer than 30 days in a one year period; or
 4. *Public service or guide dog.* The canine is a public service dog or guide dog; or
 5. *Kennel license.* The owner or possessor has obtained a kennel license from the City of Nampa; or
 6. *Paid fees.* The owner or possessor of the canine has made payment of all necessary unaltered animal fees to the animal shelter.
 7. Large Breed. If a licensed veterinarian states in writing that the average full-grown size for this breed or type of dog is over fifty five (55) pounds or over twenty two (22) inches in height then such dog over twelve (12) months of age shall be spayed or neutered unless they meet another exception noted above in this subsection.
- C. *Penalty.* Any violation of this provision shall be an infraction. Any person who pleads guilty to, or is found guilty of, a third or subsequent violation of this provision within a period of one year of the first conviction, shall be guilty of a misdemeanor for each offense.

SECTION 12. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-21 of Nampa City Code as follows:

6-2-21. Rabies, diseases and quarantine.

- A. *Rabies affliction.* It is unlawful for a person other than a veterinarian, or the animal shelter to own, keep or harbor any animal afflicted with rabies.
- B. *Securing disposition of animal.* The chief of police, or his designee, the animal shelter director, or the owner shall secure disposition of any animal afflicted with rabies.
- C. *Quarantine, surrendering of animal.*
 1. It is the duty of every owner of an unvaccinated animal showing symptoms of rabies, or ~~which has bitten any person causing an abrasion of the skin,~~ any animal that has bitten a human in which the skin was broken to surrender the animal for confinement and isolation at the animal shelter or to a licensed veterinarian or a home quarantine at the discretion of animal control or its designee for a period not less than ten days. If such animal is determined free of rabies, it shall be returned to the owner upon payment of the regular fee for keeping such animal impounded. If such fee is not paid the animal shall be subject to disposal as provided in this chapter.
 2. It is the duty of every owner of an animal, ~~which has bitten any person causing an abrasion of the skin~~ a human in which the skin was broken, to quarantine the animal at a location that will provide confinement and isolation for a period not less than ten days.
- D. ~~*Contagious disease animals.* Any animal, which has a contagious disease, shall not be shipped or removed from the premises of the owner of such animal except under the supervision of the animal shelter director.~~ *Contagious Diseased Animals At Large:* It shall

be unlawful for any person to permit or allow any animal with a contagious or infectious disease to run at large upon the public streets, or to be within and upon any public transportation facility, or any other public building or place within the City, or to expose such animal in any public building or place, whereby the health, safety and wellbeing of the public, or any member or members thereof, may be affected; nor shall such animal be shipped or removed from the premises of the owner of such animal, except under the supervision of the Animal Shelter Director.

SECTION 13. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-22 of Nampa City Code as follows:

6-2-22. Rabies inoculation.

It is unlawful to keep or harbor any dog over the age of six months in the city unless such dog has been inoculated against rabies by a licensed veterinarian within the preceding three years. No license shall be issued for any dog over the age of six months unless the applicant for such license presents a certificate signed by a licensed veterinarian establishing that the canine will be immune from rabies for the license period.

A. Rabies Vaccination Requirements:

1. Vaccination Required: The owner or custodian of any dog within the City shall vaccinate such animal against rabies within thirty (30) days of: a. the dog reaching six (6) months of age; b. acquiring a dog without documented proof of current rabies vaccination; or c. bringing a dog six (6) months of age or older into the City's limits.

2. Revaccination Intervals: The owner or custodian of any dog within the City that has been vaccinated against rabies is required to revaccinate such animal within a period of not more than: a. twelve (12) months after the animal's initial vaccination, if the animal was between six (6) months and one (1) year of age at the time of such vaccination; and b. thirty-six (36) months after each subsequent vaccination.

3. Rabies Vaccination Waiver: Upon physical examination of a dog, an Idaho licensed veterinarian may provide a written waiver from rabies vaccination based on an illness or infirmity in such animal, animal, or based on a positive rabies antibody titer obtained by laboratory testing. A written waiver must provide an expiration date, not to exceed twelve (12) months. Upon expiration, the animal must be vaccinated, or it must be physically reexamined by an Idaho licensed veterinarian, who may issue a new written waiver from rabies vaccination following the same guidelines set forth herein.

4. Approved Vaccination: Only U.S. Department of Agriculture (USDA) approved rabies vaccinations may be administered to dogs within the City. 5. Certificate of Vaccination: An Idaho licensed veterinarian who vaccinates a dog against rabies within the City, must immediately issue a certificate of vaccination signed by the veterinarian to such animal's owner or custodian. The certificate of rabies vaccination shall provide the following information:

- a. The date of the vaccination;
- b. The name and address of the vaccinated animal's owner or custodian;

c. The type of vaccine used, the vaccine manufacturer's name, and the vaccine's serial or lot number; and

d. The breed, age, color, sex, and name of the vaccinated dog.

5. Maintaining Vaccination Records: The owner or custodian of a dog shall maintain copies of the certificates of rabies vaccinations for the animal and shall produce such records upon request by:

a. an Authorized Officer;

b. a person who was injured by and potentially exposed to rabies by such animal; or

c. a licensed physician who is currently treating a person who was injured by and potentially exposed to rabies by such animal.

Penalty. Any violation of this section shall be an infraction. Any person who pleads guilty to, or is found guilty of, a third or subsequent violation of this provision within a period of one year of the first conviction, shall be guilty of a misdemeanor for each offense.

SECTION 14. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-23 of Nampa City Code as follows:

6-2-23. Nuisance animal.

A. *First violation.* It is unlawful for any owner to fail to exercise proper care and control of his animal to prevent it from becoming a nuisance. An owner of or person responsible for a nuisance animal will be guilty of an ~~misdemeanor~~ infraction for a first violation of this section.

Every person shall be guilty of allowing an animal to become a nuisance when the following is allowed:

1. Molesting passersby, ~~chasing vehicles~~; or
2. ~~Attacking another domestic animal~~; chasing vehicles; or
3. Trespassing upon public or private property in such a manner as to damage the property.

B. *Second violation.* A second violation of this section within five (5) years of a previous violation shall be a misdemeanor. In addition to other fines and penalties, any owner, or persons responsible, who plead guilty to or is found guilty of a second violation of nuisance as noted above, must meet the following requirements:

1. The owner shall obtain and maintain the following insurance and provide proof present to the licensing authority, ~~proof~~ that the owner or keeper has procured liability insurance in the amount of not less than \$100,000.00 covering any damage or injury which may be caused by such nuisance animal during every ~~the~~ 12 month period for which licensing is sought. The policy shall contain a provision requiring the licensing authority, or other entity required by the licensing authority, to be named as additional insured for the sole purpose of the licensing authority where such animal is licensed to be notified by the insurance company of any cancellation, termination or expiration of

the liability insurance policy. The owner shall obtain and maintain a nuisance animal license for the animal and pay the applicable fees; and

2. ~~The owner shall, at his own expense, have the licensing number assigned to such nuisance animal, or such other identification number as the licensing authority determines, recorded upon an electronic microchip, the type of which is standard in the veterinary community, and then implanted within the nuisance animal by a licensed veterinarian, or someone trained and licensed for the implantation of electronic microchips. The electronic microchip shall be implanted within the nuisance animal in a location that is standard within the industry for placement of such chips. The identification number recorded on the microchip shall be the same number that is noted on the licensing files for such nuisance animal, if that number cannot be utilized, the number contained on the microchip shall be noted in the file of the nuisance animal. The owner shall, at his own expense spay/neuter the nuisance animal. Have the nuisance animal vaccinated for rabies by a licensed veterinarian. The Nuisance animal must also be implanted with a microchip, if it already has a microchip all owner information needs to be updated at owners expense. Failure to comply with this subsection 2 shall be an infraction.~~

C. *Third violation.* A third and subsequent violation of this section within five (5) years of a previous violation shall be a misdemeanor. In addition to other fines and penalties, A any owner, or persons responsible, who plead guilty to or is found guilty of a third or subsequent violation of this provision must meet the previous requirements in addition to the following requirements:

1. The owner shall have and maintain an enclosure (in conformance with section 6-2-1 of this chapter) for the nuisance animal where the nuisance animal will be kept or maintained; and
2. The owner shall display a sign in conformance with section 6-2-1 of this chapter on his premises warning there is a nuisance animal on the premises. Said sign shall be visible and capable of being read from the public highway; and
3. The owner shall sign a statement attesting that:
 - a. The owner shall maintain and not voluntarily cancel the liability insurance required by this section during the 12 month period for which licensing is sought, unless the owner ceases to own or keep the nuisance animal prior to expiration of such license;
 - b. The owner shall, on or prior to the effective date of such license for which application is being made, have an enclosure for the nuisance animal on the property where the nuisance animal will be kept or maintained;
 - c. The owner shall notify the licensing authority and the animal control officer within 24 hours if a nuisance animal is on the loose, is unconfined, has attacked another animal or has attacked a human being, or has died or has been sold or given away. If the nuisance animal has been sold or given away the owner shall also provide the licensing authority with the name, address and telephone number of the new owner of the nuisance animal; and
 - d. It is unlawful for any owner to allow any nuisance animal to be outside of the dwelling of the owner or outside of the enclosure unless the nuisance animal is under the direct control and supervision of the owner of the nuisance animal or to sell or

give away the nuisance animal or to comply with commands or directions of the animal control officer with respect to the nuisance animal, or to comply with the provisions of section 6-2-8 of this chapter. In such event, the nuisance animal shall be securely muzzled and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.

- D. *Owner compliance.* The owner of the nuisance animal will comply with all provisions of this chapter in keeping and maintaining the nuisance animal.
- E. *Compliance.* An animal control officer is empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this chapter, and any such animal control officer is hereby empowered to seize and impound any nuisance animal whose owner fails to comply with the provisions hereof.

In the event that the owner of the animal refuses to surrender the animal to the animal control officer, the animal control officer may obtain a search warrant and seize the animal upon execution of the warrant.

SECTION 15. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-24 of Nampa City Code as follows:

6-2-24. Nuisance noise.

~~A person shall be guilty of allowing an animal to be a noise nuisance if the animal commits excessive, continuous, or untimely barking or noise. A violation of this section shall be an misdemeanor -infraction.~~

It shall be unlawful for any animal custodian or owner to fail to exercise proper care and control of his or her animal to prevent it from becoming a noise nuisance. Every person shall be guilty of allowing an animal to become a noise nuisance when such person permits or allows an animal to violate the following provisions:

A. Excessive Noise Nuisances: An animal that barks, bays, cries, howls, or emits any excessive animal noise which disturbs the peace, quiet, and comfort of any reasonable person of normal sensitiveness residing in the area. Excessive animal noise is that which is plainly audible within any place of residence, business, structure, building, hospital, farm property with animals, or restaurant other than the source of the sound, or upon a public right-of-way or street at a distance of 100 feet or more from the source of such sound.

B. Exception: This subsection shall not apply to animals that are being teased or provoked, are maintained on land zoned for agricultural purposes, are kept at a properly permitted animal shelter established for the care and placement of unwanted or stray animals, or a properly zoned commercial boarding kennel.

C. Proof of excessive noise nuisances: The owner or custodian of an animal may be charged with excessive animal noise nuisance when:

1. An Animal Control Officer receives signed complaints alleging an animal noise nuisance, from at least two (2) unrelated adult witnesses residing in different residences;
2. The Animal Control Officer has previously issued a written warning to the dog owner informing them of the complaint;

3. An Animal Control Officer receives a signed complaint alleging an animal noise nuisance from one adult witness who has a video or audio recording of the alleged violation; or

4. An Animal Control Officer receives a signed complaint alleging an animal noise nuisance from one adult witness and an Animal Control Officer has witnessed activity supporting the alleged nuisance.

Penalty. Any violation of this section shall be an infraction. Any person who pleads guilty to, or is found guilty of, a third or subsequent violation of this provision within a period of one year of the first conviction, shall be guilty of a misdemeanor for each offense.

SECTION 16. That Title 6, Chapter 2, is hereby amended to revise Section 6-2-28 of Nampa City Code as follows:

6-2-28. Impoundment.

- A. A police officer, animal control officer, or any other person may seize and impound all dogs at large. All animals seized that are not returned to their registered owner(s) must be ~~immediately~~ delivered to the animal shelter for impoundment.
- B. The owner of any animal impounded may recover possession of such animal upon payment of all required fees. If the owner or representative of the owner of any animal impounded fails to pay the required fees within 24 hours after actual notice to the owner or representative of the owner, or within five days after reasonable and diligent effort to notify the owner or representative of the owner, the animal shelter may dispose of an animal either through adoption, provided the new owner pays the required fees, sending to another animal shelter or rescue, or through euthanasia.

SECTION 17: This ordinance shall be in full force and effect from and after its passage, approval and publication according to law. This ordinance may be published by summary.

SECTION 18: Savings Clause. The provisions of Nampa Code described in Sections 1-16 above, shall remain in force as they existed prior to these amendments solely to authorize the enforcement actions or proceedings, including without limitation, prosecution and punishment, against those who violate said provisions prior to the effective date of this ordinance.

SECTION 19: This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be ready to carry out the purposes of the ordinance before the declaration of partial invalidity.

SECTION 20: All ordinances, resolutions, and orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this ____ day of _____, 2023.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this ____ day
of _____, 2023.

Attest:

Mayor Debbie Kling

City Clerk