## TITLE 5

### LAW ENFORCEMENT

<table>
<thead>
<tr>
<th>Subject</th>
<th>Chapter</th>
</tr>
</thead>
<tbody>
<tr>
<td>Police Department</td>
<td>1</td>
</tr>
<tr>
<td>General Offenses</td>
<td>2</td>
</tr>
<tr>
<td>Curfew</td>
<td>3</td>
</tr>
<tr>
<td>Animal Control</td>
<td>4</td>
</tr>
<tr>
<td>Animal Regulations</td>
<td>4A</td>
</tr>
<tr>
<td>Chickens And Other Fowl</td>
<td>4B</td>
</tr>
</tbody>
</table>
CHAPTER 1

POLICE DEPARTMENT

SECTION:

5-1-1: Department Created
5-1-2: Membership
5-1-3: Monthly Report
5-1-4: Power To Call Others To Assist

5-1-1: DEPARTMENT CREATED: There hereby is created a Police Department in the City. (1944 Code § 1-602)

5-1-2: MEMBERSHIP:

A. Composition: The Police Department shall consist of a Chief of Police and three (3) policemen and such other policemen as shall be authorized by the Mayor and City Council. (1944 Code § 1-602; amd. 2000 Code)

B. Appointment: The Mayor, with the consent of the City Council, shall appoint the Chief of Police and the three (3) policemen provided for in subsection A of this Section and he shall have authority, with the consent of the City Council, to appoint special policemen as from time to time becomes necessary. (1944 Code § 1-603; amd. 2000 Code)

C. Members Qualifications: Any person appointed as an officer or member of the Police Department shall be a citizen of the United States at the time of his appointment. (Ord. 310, 5-14-1951)

D. Standards Of Training: The City will adhere to the standards for employment and training established by the Idaho Peace Officers Standards and Training Advisory Council. (2000 Code)
E. Supervision: All persons appointed under the provisions of this Chapter as policemen or special police shall be under the direction and supervision of the Chief of Police. The policemen shall be subject to the orders of the Chief of Police, except in cases otherwise provided by ordinance.

F. Assistant Chief: The Chief of Police shall designate one of the policemen to be assistant chief and in the absence of the Chief of Police, he shall have all the authority herein vested in the Chief of Police.

G. Duties Of Police Officers: It shall be their duty to cause the public peace to be preserved and to see that all laws and ordinances are enforced within the City limits. When violation of any law or ordinance shall be reported to them or come to their knowledge, they shall cause the required complaint to be made and see that all possible evidence is procured for the successful prosecution of the offenders. (1944 Code § 1-605)

H. Powers: The officers and members of the Police Department shall have power to arrest all offenders against the laws of the State or of the City, by day or by night, in the same manner as other police officers of the State, and keep them in jail or other place to prevent their escape, until trial can be had before the proper officer. They shall likewise be vested with power to serve any other process issued under authority of the ordinances of the City. (1944 Code § 1-604; amd. 2000 Code)

5-1-3: **MONTHLY REPORT:** The Chief of Police shall make a written report monthly giving a true account of the number of arrests made, persons arrested and nature of offense charged, during the month and such further reports as may at any time be requested by the Mayor and City Council. (1944 Code § 1-605; amd. 2000 Code)

5-1-4: **POWER TO CALL OTHERS TO ASSIST:**

A. Authority: The Chief of Police or any member of the Police Department shall have authority to call upon any person to assist him in making an arrest, capturing or retaining in custody any person.

B. Violation: Any person when so requested, who shall refuse or fail, to the best of his ability to render such aid as required shall be guilty of

*City of Wallace*
an offense, and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 1-608; amd. Ord. 350, 9-14-1959; 2000 Code)
CHAPTER 2

GENERAL OFFENSES

SECTION:

5-2-1: Criminal Code Adopted
5-2-2: Discharge Firearms
5-2-3: False Alarms

5-2-1: CRIMINAL CODE ADOPTED:

A. Adoption: Pursuant to the provisions of section 50-901 of the Idaho Code, there is hereby adopted title 18 of said Idaho Code, being the criminal laws of the State of Idaho, establishing principles of liability for conduct; establishing general principles of justification for conduct; defining offenses involving danger to persons; defining offenses against property; defining offenses against the family; defining offenses against public administration; defining offenses against public order and decency; establishing a uniform system of penalties, including fines, forfeitures and imprisonment; and establishing criteria for imposing sentences upon those convicted of an offense, and said laws shall be and the same are hereby adopted as the Criminal Code of the City.

B. Copy On File: One copy of said laws shall be on file in the office of the City Clerk/Treasurer for reference to and inspection by the general public. (2000 Code)

5-2-2: DISCHARGE FIREARMS:

A. Discharge Prohibited: It shall be unlawful for any person to discharge any gun, pistol, rifle, or other firearm within the corporate limits of the City without a special permit obtained from the City Council.

B. Penalty: Any person violating the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall

City of Wallace
be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 510, 3-13-1990; amd. 2000 Code)

5-2-3: FALSE ALARMS:

A. Prohibited: It shall be unlawful for any person to turn in any false fire alarm, or to procure any false fire alarm to be turned in, or in any manner to give any false fire alarm, or to procure any false fire alarm to be given.

B. Penalty: Any person who violates the provisions of this Section shall be deemed guilty of a misdemeanor, and upon conviction shall be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 356, 4-10-1960; amd. 2000 Code)
CHAPTER 3
CURFEW

SECTION:
5-3-1: Restrictions On Minors
5-3-2: Parental Responsibility
5-3-3: Business Operator's Responsibility
5-3-4: Police To Make Arrests
5-3-5: Penalty For Adults

5-3-1: RESTRICTIONS ON MINORS:

A. Hours: It shall be unlawful for any person under the age of eighteen (18) years to be in or upon the streets, alleys or any unoccupied public or private place within the limits of the City or to enter or be or remain in any motion picture theater, confectionery store, dance hall, pool hall or any other place of entertainment or business within the hours of ten o'clock (10:00) P.M. and five o'clock (5:00) A.M. (official local time), except on Friday and/or Saturday nights, or between the hours of twelve thirty o'clock (12:30) A.M. and the hour of five o'clock (5:00) A.M. on Friday and Saturday nights, unless such minor person is then and there accompanied by at least one of his or her parents or by his or her guardian or by some other person having the legal custody of such minor person. (Ord. 375, 1-9-1967; amd. Ord. 393, 4-13-1970; 2000 Code)

B. Exceptions:

1. Written Permit: Any parent, guardian or other person having the legal custody of any such minor child may give a written permit to such child to go upon any lawful and necessary errand or to go to and to return from any place at which such child may be employed, at any time of the day or night, and such permit, when in the possession, of such child, shall be an excuse and justification for such child being upon such streets or alleys.

City of Wallace
2. Inspection Of Permit: Any such minor child upon the streets or alleys of the City between the hours aforesaid shall have such written permit upon his person and in his possession for the inspection of any police officer of the City. Any such permit given to such child shall be made and dated as of the date of the use thereof and no such permit shall be of any force or effect except for or during the day of its issuance.

3. Nonconforming Permit: It is hereby made the duty of the police or other peace officers of the City to take up any and all such permits which do not conform with the provisions of this Chapter and thereupon to arrest the child having such permit in his possession.

C. Violation: Any child violating the provisions of this Chapter shall be and hereby is defined as and declared to be a "juvenile delinquent person" and shall be arrested and proceeded against and dealt with as provided by the general laws of the State of Idaho relating to juvenile delinquent persons. (Ord. 375, 1-9-1967; amd. Ord. 393, 4-13-1970)

5-3-2: PARENTAL RESPONSIBILITY: It shall be unlawful for any parent, guardian or other person having the legal care and custody of any such minor child to allow such child to go or to be in or upon any of the streets, alleys or unoccupied public or private places within the City or to attend or to be present in or at any motion picture theater, dance hall, pool hall, confectionery store or any other place of entertainment or business within the City between the hours specified in Section 5-3-1 of this Chapter, unless such child is accompanied by such parent, guardian or other person having the legal custody of such child or unless such child is then and there engaged in the performance of a lawful and necessary errand and is in possession of a written permit as hereinabove provided. Such parent, guardian or other person having legal care and custody of any such minor child shall be arrested and proceeded against and dealt with as provided by the general laws of the State of Idaho relating to parental responsibilities. (1944 Code § 7-402; amd. 2000 Code)

5-3-3: BUSINESS OPERATOR'S RESPONSIBILITY: It shall be unlawful for any owner, proprietor, clerk or other person in charge of any motion picture theater, dance hall, pool hall, confectionery store or any other place of entertainment or business within the said City to knowingly, wilfully or negligently admit any such minor person to such motion picture theater, dance hall, pool hall, confectionery store or any other place of entertainment or business within the City or to permit any
such minor person to remain therein or thereat at any time between the hours specified in Section 5-3-1 of this Chapter unless such child is then and there accompanied by at least one of his or her parents or by his or her guardian or by some other person who has the legal custody of such minor child, or unless such child is then and there in possession of a permit as provided by Section 5-3-1 of this Chapter. Such owner, proprietor, clerk or other person in charge shall be guilty of a misdemeanor and shall be punishable in accordance with Section 1-4-1 of this Code. (1944 Code § 7-403; amd. 2000 Code)

5-3-4: **POLICE TO MAKE ARRESTS:** Each member of the police force of the City, whenever on duty, is hereby authorized, and it shall be his duty, to arrest any person who shall knowingly, wilfully or negligently violate any of the provisions of this Chapter. (1944 Code § 7-404)

5-3-5: **PENALTY FOR ADULTS:** Any adult person who shall knowingly, wilfully or negligently violate any section or provision of this Chapter, either by doing that which is forbidden hereby or by failing to do that which is required hereby shall be guilty of a misdemeanor and upon conviction thereof shall be subject to penalty as provided in Section 1-4-1 of this Code. (1944 Code § 7-405; amd. Ord. 350, 9-14-1959; 2000 Code)
CHAPTER 4
ANIMAL CONTROL

ARTICLE A. ANIMAL REGULATIONS

SECTION:

5-4A- 1: Purpose
5-4A- 2: Applicability
5-4A- 3: Definitions
5-4A- 4: License Required
5-4A- 5: Collar, Tag
5-4A- 6: Revocation Of Permits And Licenses
5-4A- 7: Interference
5-4A- 8: Animals Running At Large Prohibited
5-4A- 9: Rabies, Diseases And Quarantine
5-4A-10: Nuisance
5-4A-11: Seizure, Impound
5-4A-12: Redemption Of Impounded Animals
5-4A-13: Disposition Of Unclaimed Animals
5-4A-14: Animal Traps
5-4A-15: Vicious Animals Prohibited
5-4A-16: Requirements For Keeping Vicious Animals
5-4A-17: Parent Liable For Animal Owned By Child
5-4A-18: Exemptions
5-4A-19: Number Of Animals Owned
5-4A-20: Fines, Costs And Impound Fees
5-4A-21: Change In Status
5-4A-22: Fighting Among Animals
5-4A-23: Care And Wellness Of Animals
5-4A-24: Disallowing Of Farm, Wild And/Or Exotic Or Deleterious Animals
5-4A-25: Feces Removal
5-4A-26: Enforcement Of Article
5-4A-27: Restitution To The City
5-4A-28: Penalties
5-4A-29: Severability
5-4A-30: Repeal
5-4A-31: Safety Clause
5-4A-1: **PURPOSE:** The purpose of this article is to promote the public health, safety, general welfare, peace, good order, comfort and convenience of the City of Wallace and its citizens. (Ord. 2013-02, 7-10-2013)

5-4A-2: **APPLICABILITY:** This article applies to the importation and/or possession of all deleterious exotic, wild or domestic animals within the City limits of the City of Wallace, State of Idaho. (Ord. 2013-02, 7-10-2013)

5-4A-3: **DEFINITIONS:** As used in this article, the following words and terms shall have the meaning ascribed to them in this section.

**ANIMAL:** Any member of the animal kingdom, except man, whether wild or domesticated.

**AT LARGE:** Off the premises of the custodian of the animal, and upon any public street, highway or grounds or upon private property other than the private property of the custodian without the owner’s consent. However, at large shall not mean that the animals were off the premises of the custodian when under the immediate control of the custodian by means of an enclosure, leash, rope, not to exceed twelve feet (12’) in length or by other means of immediate effective control by the custodian.

**CUSTODIAN:** The person, individual, association, firm, joint venture, trust, corporation or any other entity owning or otherwise having the care, custody or control of any animal.

**DELETERIOUS EXOTIC ANIMALS:** Any live animal, or hybrid thereof, that is not native to the State of Idaho or who has otherwise been determined to be dangerous to humans or the environment, other livestock, agriculture, or wildlife.

**DOG:** Any wild or domesticated carnivorous mammal being a member of the scientific family Canidae,
or canis familiaris, whether male or female or neuter.

LIVESTOCK: Cattle, domestic bison, swine, horses, mules, asses, domestic cervidae, sheep, goats, camels, and ratites.

NEUTERED: Rendered permanently incapable of reproduction.

NUISANCE DOG OR ANIMAL: Any person who keeps or harbors any animal, dog or dogs, that frequently and habitually howl, yelp or barks, shall be considered a nuisance. Likewise, any animal that damages, soils, defiles, or defecates on private property other than the custodian's, or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the custodian, or who causes unsanitary, dangerous, or offensive conditions to exist, or that chases vehicles, or molests, attacks or interferes with persons or other domestic animals.

OWNER: Any person, business, firm, corporation, or their agent, owning or keeping any dog or wild animal, the occupant of any premises on which a dog or animal customarily resides; shall be considered to be the "owner" or keeper of the animal.

POSSESS: To confine, control, keep, have, hold, house, or own for any period of time.

PREMISES: The property upon which the custodian keeps or maintains his animal(s), whether such property is owned, rented, leased, or otherwise occupied or made available to the custodian.

RESTRAINT: An animal shall be considered under restraint if it is within the real property limits of its custodian or secured by a leash, rope or lead, not to exceed twelve feet (12') in length.

City of Wallace

September 2019
RUN OR RUNNING: Being present and does not refer solely to the actual activity of rapid movement.

VICIOUS:

A. Any animal which, when unprovoked, in a vicious or terrorizing, or threatening manner, approaches any person in apparent attitude of attack, or threatening to attack, upon the streets, sidewalks, any public grounds, places or private property not owned or possessed by the owner of the animal, or

B. Any animal with a known propensity, tendency or disposition to attack, unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals, or

C. Any animal which bites, inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation, or

D. Any animal owned or harbored, primarily or in part, for the purpose of fighting or animal trained for fighting.

E. Notwithstanding the definition of a vicious animal above, no animal may be declared vicious if the injury or damage is sustained by a person who 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 or if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault. (Ord. 2013-02, 7-10-2013)

5-4A-4: LICENSE REQUIRED: It shall be unlawful for any person to own, harbor, keep or possess a dog within the City, over the age of four (4) months, without first procuring a license as provided by this article.

A. License Application, Fees: All dog licenses shall be issued for one calendar year from January 1 to December 31; regardless of when

September 2019

City of Wallace
the tag is purchased. The owner or person having charge of a dog within the City, shall make application in the City Clerk's Office and pay a license fee according to the schedule set by the City Council. A dog not licensed by February 1 shall incur a penalty of two dollars ($2.00) per month beyond February 1.

B. Fees:

1. Unneutered Or Unspayed: The City Clerk/Treasurer shall collect the sum of ten dollars ($10.00), or other fee sum set by the City Council, for unneutered or unspayed dogs.

2. Neutered Or Spayed: The City Clerk/Treasurer shall collect the sum of six dollars ($6.00), or other fee sum set by the City Council, for neutered or spayed dogs. No dog shall be licensed as spayed or neutered without proof that such surgery was performed. The City Clerk/Treasurer shall maintain a copy of said proof of spay or neuter in the records of the City and shall collect such proof at the time the license is issued for the dog.

3. Replacement Of Dog Licenses Or Tags: Upon satisfactory proof to the City Clerk/Treasurer that a dog license or tag has been lost, a new tag of a different number may be issued upon payment of a two dollar ($2.00) fee, or other fee sum set by the City Council and the transaction shall be noted upon the original receipt and records of the City.

C. Proof Of Vaccination: Upon receipt of such application and with proof that the dog has received a rabies vaccination within the last thirty six (36) months, a receipt and numbered metal tag will be issued.

D. Guide Dogs: Dog license fees shall be waived for any guide dog that has been properly trained for the purpose of and is used to guide blind or partially blind persons, a person with impaired hearing, or any other disabled person who requires a guide dog. Proof of such training shall be provided upon application for license.

E. Violation: It shall be unlawful for any person to allow a dog owned, kept or harbored by him to wear a license tag issued to any other dog, to wear an imitation of the dog license tag issued by the City for that year, or to fail to apply for a new dog license upon change of ownership of the dog. (Ord. 2013-02, 7-10-2013)

City of Wallace

September 2019
5-4A-5: COLLAR, TAG: Every dog shall wear a substantial and durable collar, to which shall be securely attached the required dog license tag. (Ord. 2013-02, 7-10-2013)

5-4A-6: REVOCATION OF PERMITS AND LICENSES:

A. The City may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this article, or other law governing the protection and keeping of animals, whether local, State or Federal.

B. If an applicant, or owner is shown to have withheld or falsified any material information on the application for a permit, license or tag, the City may refuse to issue or may revoke a permit, license or tag.

C. It shall be a condition of the issuance of any permit, license or tag for an animal establishment that the City shall be permitted to inspect any and all animals and the premises where such animals are kept at any reasonable time during normal business hours. Where a permit is revoked for any cause, or pending appeal of any such action, the City shall have power of entry on the premises and into all areas where animals are being kept. A person denied a permit, license or tag may not reapply for a period of at least thirty (30) days. Each application shall disclose any previous denial or revocation of any permit, license or tag and shall be accompanied by the regular permit, license or tag fee, of twenty five dollars ($25.00) for unaltered animals and seven dollars fifty cents ($7.50) for altered animals. (Ord. 2013-02, 7-10-2013)

5-4A-7: INTERFERENCE: No person shall interfere with, hinder, or molest any agent of the animal control authority, or law enforcement authority of the City of Wallace in the performance of any duty as herein provided. Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine, imprisonment, or both such fine and imprisonment in accordance with the law. (Ord. 2013-02, 7-10-2013)

5-4A-8: ANIMALS RUNNING AT LARGE PROHIBITED: Any person who owns, harbors or has in his or her control a dog, licensed or unlicensed, which is 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 is in violation of this section, except:

A. When such animal is controlled by a leash not exceeding twelve feet (12') in length, or

B. When such animal is confined in a motor vehicle. (Ord. 2013-02, 7-10-2013)

5-4A-9: RABIES, DISEASES AND QUARANTINE:

A. It shall be unlawful for a person, other than a licensed veterinarian to keep or harbor any animal afflicted with rabies.

B. The law enforcement authority, the animal control authority, or the owner of the animal shall secure disposition of any animal afflicted with rabies.

C. It shall be the duty of every owner of an animal showing symptoms of rabies, or which has bitten any person causing an abrasion of the skin, to surrender the animal for confinement and isolation at the Animal Shelter or to a licensed veterinarian for a period not less than fourteen (14) days. If, at the end of that period, the animal shall be determined free of rabies, it shall be released to the owner upon payment of fees accrued by the animal for care and keeping. If such fee is not paid, the animal shall be subject to disposal as provided in this article.

D. 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 any other public place within the City, or to expose such animal in any public building or place, whereby the health, safety and well being of the public, may be affected, nor shall such animal be shipped or removed from the premises of the owner of such animal without permission of the Panhandle Health District, the law enforcement or animal control authority. (Ord. 2013-02, 7-10-2013)

5-4A-10: NUISANCE: It shall be unlawful for any owner to fail to exercise proper care and control of his or her animal to prevent it from becoming a public nuisance. Every person shall be guilty of allowing an animal to become a nuisance when the animal:

City of Wallace
A. Causes excessive, continuous or untimely howling, yelping, barking or noise, that disturbs any person, or

B. Molests passersby or chases vehicles, or

C. Habitually attacks other domestic animals, or

D. Trespasses upon public or private property in such a manner as to cause damage to the property, or

E. Is dangerous or vicious, or

F. Is running at large whether deemed vicious or dangerous. (Ord. 2013-02, 7-10-2013)

5-4A-11: SEIZURE, IMPOUND:

A. Duty To Impound: It shall be the duty of the City's law enforcement authority to seize all animals running at large within the City limits, whether vicious, a nuisance or not, except cats.

B. Conditions: The City’s law enforcement authority may order the seizure or impoundment and destruction of an animal where:

1. The animal has attacked, bitten or injured a human being or domestic animal;

2. The animal is a “vicious animal” as defined in this article and the owner has failed to comply with the requirements and conditions for keeping a vicious animal as defined herein;

3. When the animal control officer or law enforcement authority deems the animal poses a threat of serious harm to the public health, safety or welfare.

C. Notification To Owner Of Impounded Dogs: Not later than twenty four (24) hours after the impounding of any dog, the owner if known, shall be notified by telephone or in person, that the animal has been impounded and its place of shelter. In all cases, whether the owner is known or not, written notice shall be posted at Wallace City Hall, describing the animal and place or location it was impounded from and its place of shelter.

September 2019

City of Wallace
D. Redemption By Owner; Fees: An owner may recover possession of a
dog seized by the City upon payment to the City Clerk/Treasurer of
the sum of twenty five dollars ($25.00), or other fee sum set by the
City Council, plus the cost per day for board and shelter for the dog
for each day the dog has been impounded.

E. Citation; Fee: The City’s law enforcement authority shall be entitled
to issue a citation for any violation of this article by any animal within
the City limits. If the animal is escorted home by the City law
enforcement authority a fee of ten dollars ($10.00), or a fee sum set
by the City Council, shall be charged to the owner. This fee shall be
paid to the City Clerk/Treasurer within seven (7) days from the date
of the citation, or such failure to do so shall be deemed a misde-
meanor. (Ord. 2013-02, 7-10-2013)

5-4A-12: REDEMPTION OF IMPOUNDED ANIMALS: Any animal
impounded because it was found running at large, or without
a license, may be redeemed by the owner prior to the sale or destruction of
such dog, by paying all charges against the same, as provided by this arti-
cle. (Ord. 2013-02, 7-10-2013)

5-4A-13: DISPOSITION OF UNCLAIMED ANIMALS: All animals
apprehended and impounded under the provisions of this arti-
cle shall be held up to seventy two (72) hours from the posting of notice of
impound. If, at the end of that period, such animal has not been redeemed,
it may be given up for adoption. Any animal which appears to be suffering
from rabies or infected with mange or any other infectious or dangerous
disease may not be released, except to a licensed veterinarian, or who is
otherwise unclaimed may be destroyed. Any fees incurred for impoundment
and/or medical attention are the responsibility of the owner of the dog. If
that owner is not known it will be the responsibility of the new adoptive
owners. (Ord. 2013-02, 7-10-2013)

5-4A-14: ANIMAL TRAPS: Police and animal control officers are
hereby authorized to place humane animal traps on public
property, or private property upon permission of the owner. It shall be a
violation of this article for any person to disturb, injure or damage such
traps or animals confined within. (Ord. 2013-02, 7-10-2013)
5-4A-15: **Vicious Animals Prohibited:** It shall be a violation of this article for any person to keep or harbor, within the corporate limits of the City of Wallace, any animal deemed to be vicious, as defined in this article. The provisions of this section shall not apply to animals owned by any police agency, police officer or military organization which are used in the performance of law enforcement or search and rescue.

A. In the event that an officer has probable cause to believe that an animal is vicious, the animal control authority or law enforcement authority shall notify the owner of the dog, if known, that the animal must be removed from corporate City limits within twenty four (24) hours of the time of notification. If said animal is "at large" every effort should be made to impound the dog.

B. Officers are hereby empowered to make inquiry as deemed necessary to ensure compliance with the provisions of this section, and any such 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 officer, said officer shall make application for a search warrant to seize the animal upon execution of the warrant.

C. If, at the time of notification, the owner of an animal deemed to be vicious should contest the determination of the investigating authority, he/she shall have the opportunity to appeal the decision to the Wallace City Council.

1. **Notice Of Appeal And Request For Hearing:** A Notice of Appeal and Request for Hearing shall be filed by the owner of the animal and shall be in writing and filed with the City Clerk/Treasurer within ten (10) days from the determination that the animal is vicious.

2. **Hearing:** Upon receipt of said written Notice of Appeal and Request for Hearing, the Clerk shall schedule a public hearing on the issue before the City Council within ten (10) days of receipt of the Notice of Appeal and Request for Hearing. The hearing shall be informal and strict rules of evidence shall not apply. At this public hearing the owner shall be given the time and opportunity to present evidence of why the animal should not be determined to be vicious. The owner may be represented by legal counsel, may present oral and written evidence, and cross-examine witnesses. The investigating authority shall also have the time and opportunity to present evidence as to why the animal was determined to be vicious. The City Council shall issue a declaration as to the viciousness of the
animal within seven (7) days after the close of the hearing and shall notify the owner, in writing, of the declaration. The declaration shall set forth specific grounds for the City Council's declaration in the form of Findings of Fact, Conclusions of Law and Declaration.

3. Appeal: The decision of the City Council shall be a final decision. The adversely affected party may then appeal the City Council’s final decision to the District Court in accordance with State law. During the appellate period, however, the animal shall be treated as vicious and the owner shall comply with all conditions and requirements of this article in handling vicious animals. (Ord. 2013-02, 7-10-2013)

5-4A-16: REQUIREMENTS FOR KEEPING VICIOUS ANIMALS: The owner of a vicious animal shall be subject to the following requirements:

A. Confinement:

1. Required: All vicious animals shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner.

2. Specifications: The pen or structure must have minimum dimensions of five feet by ten feet (5' x 10') and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet (2'), so that the animal cannot escape from the pen or structure. If the animal escapes that will be automatic authority for the City to have the animal removed from the City limits.

3. Lighting; Maintenance: All pens or structures must be adequately lighted and kept in clean and sanitary condition.

4. Protection From Elements: The enclosure must also protect the animal from the elements.

B. Leash; Muzzle: The owner of the vicious animal shall not allow the animal to go outside of its kennel, pen or structure, unless the dog is appropriately muzzled and restrained by a chain or leash not more than four feet (4') in length, and under the physical control of the owner at all times. The muzzle must not cause injury to the animal or interfere with its vision or respiration, but must prevent the animal from biting any human or other animal.
C. Signs: The owner of a vicious animal shall display in a prominent place on the owner's property near the enclosure, kennel, pen or structure or other clearly visible area a warning sign indicating that there is a vicious animal on the premises. The sign shall be readable from the public highway or thoroughfare. The owner shall also display the sign with a symbol warning children of the presence of a vicious animal. Similar signs shall be posted on the dog's enclosure, kennel, pen or structure.

D. Insurance: The owner of a vicious animal shall provide proof to the City Clerk/Treasurer of a certificate of insurance evidencing that the owner of the animal has procured public liability insurance for at least fifty thousand dollars ($50,000.00), insuring the owner for any injury or damage which may be caused by the vicious animal.

E. Penalties: Failure to comply with the above terms and conditions of this article shall be deemed a misdemeanor, punishable according to law, and the animal shall be immediately removed from the City limits or otherwise euthanized.

F. Notice: Within three (3) days of declaring a dog vicious, the law enforcement authority shall notify the dog's owner, in writing, of the declaration. The notice shall identify the requirements and conditions for maintaining a vicious dog as set forth in this article. If the owner cannot be located, the dog may be immediately impounded and notice of the declaration and impoundment of the dog shall be posted on the owner's property, or sent by certified mail, return receipt requested, to the owner's last known address. Once the owner of an animal is notified that the animal has been deemed vicious, the animal must be removed from the City. If the animal must be impounded or placed with a licensed veterinary doctor, the actual costs are the responsibility of the owner of the dog, whether or not the animal is later deemed not to be vicious. (Ord. 2013-02, 7-10-2013)

5-4A-17: PARENT LIABLE FOR ANIMAL OWNED BY CHILD: In the event that the owner of any animal is a minor, the parent or guardian of such minor shall be liable for all injuries, property damage, fines and impoundment fees caused or incurred by said animal. (Ord. 2013-02, 7-10-2013)
5-4A-18: **EXEMPTIONS:**

A. Police Dogs: This article shall not apply to dogs or animals used by a Police Department or law enforcement agency.

B. Trespass; Tort: No animal shall be declared vicious for injury or damage sustained by any person who was committing a willful trespass, or other tort upon the premises of the animal's owner.

C. Teasing, Tormenting, Assaulting: No animal shall be declared vicious for injury or damage sustained by any person who was teasing, tormenting, abusing or assaulting the animal. (Ord. 2013-02, 7-10-2013)

5-4A-19: **NUMBER OF ANIMALS OWNED:** Any resident of the City of Wallace shall be limited to a total of five (5) dogs per household. Any number over five (5) dogs shall be considered a kennel, which is not an allowed usage in a residential area. (Ord. 2013-02, 7-10-2013)

5-4A-20: **FINES, COSTS AND IMPOUND FEES:** The City is hereby entitled to charge a fee for keeping and selling of any animal, which fees shall be retained by the City as payment toward the costs and expenses incurred. The fees shall be incurred as follows:

A. For impounding and keeping any animal, other than a dog, the charges shall be the actual costs incurred by the City.

B. For impounding and keeping any dog, for a period of time up to seventy two (72) hours, the fee shall be equal to housing the animal for seventy two (72) hours.

C. For each day an animal is kept, an additional charge, equal to the actual cost for housing the dog, shall be assessed. A fraction of a day shall be deemed a full day.

D. The actual veterinary and hospital expenses incurred in caring for the animal.

E. In addition to the foregoing, any person redeeming any dog, shall, prior to or at the time of the redemption, take out a license for the same and fulfill all licensing requirements of this article, unless such animal shall already have a valid license. (Ord. 2013-02, 7-10-2013)
5-4A-21: CHANGE IN STATUS: It shall be the responsibility of the owner of an animal within the City limits who is harboring, possessing or who owns a vicious animal to immediately notify the animal control officer, law enforcement authority or County Police Department if the vicious animal is unconfined, has escaped its kennel, pen or enclosed structure, house or yard, and which is otherwise on the loose, running at large or has attacked a human being or domestic animal; or, if the owner of a vicious animal sells, gives away, adopts, or otherwise transfers ownership or custody of the vicious animal, the owner shall notify the animal control officer, law enforcement authority, or County Police Department within forty eight (48) hours of the transfer of custody of the animal and shall provide to the law enforcement authority the name, address and telephone number of the new owner. The previous owner shall notify the new owner of the animal's designation as a vicious animal and of the requirements and conditions for keeping the vicious animal if the animal remains within the City limits of the City of Wallace. (Ord. 2013-02, 7-10-2013)

5-4A-22: FIGHTING AMONG ANIMALS: No person shall possess, harbor, or maintain care or custody of any animal for the purpose of fighting, nor shall any person train, torment, badger, bait, or use any animal for the reason of causing or encouraging the animal to attack human beings or domestic animals. (Ord. 2013-02, 7-10-2013)

5-4A-23: CARE AND WELLNESS OF ANIMALS: Owners will supply to their animals adequate food, water and shelter from the elements. If any officer or animal control officer observes poor care for an animal, the owner will be notified with a time frame in which to comply. The animal will be removed from owners' care if conditions are not met. Costs for any veterinarian care incurred under such conditions will be charged to the owner. (Ord. 2013-02, 7-10-2013)

5-4A-24: DISALLOWING OF FARM, WILD AND/OR EXOTIC OR DELETERIOUS ANIMALS: It shall be unlawful for any person within the City limits of Wallace to own, harbor, keep or possess any farm animal of any type, or wild and/or exotic or deleterious animal of any nature within the City limits. No monkey, horse, mule, cow, calf, steer, bull, swine, chicken, tiger, bobcat, lion, bear or bear cub, leopard, cougar, poisonous snake, reptile, or other deleterious animal, except house cats, shall be allowed to run at large, or to be herded in any public places within the City limits, or upon any private premises open to the public, except when participating in a lawful or authorized parade or circus, and even then
said animal shall be secured by a rope, leash, halter or other suitable
restraint device and then only on a public thoroughfare. (Ord. 2013-02,
7-10-2013)

5-4A-25:  **FECES REMOVAL:** It shall be unlawful for any owner of any
pet or animal to allow said pet or animal to defecate upon any
public property, or private property opened to the public, without
immediately removing or causing to be removed from the property all feces
deposited thereon by said pet or animal. If such feces are not immediately
removed, then the owner of said pet or animal shall be deemed in violation
of this article and such violation shall be a misdemeanor, punishable as set
forth herein. (Ord. 2013-02, 7-10-2013)

5-4A-26:  **ENFORCEMENT OF ARTICLE:** The law enforcement or ani-
mal control authority is hereby empowered to enforce this
article by:

A. Charging those found in violation of this article:

1. Current animal impoundment fees;

2. Owners of animals without proof of rabies vaccination will be
given notification to comply with this article within sixty (60) days or
they will be issued a fine of sixty two dollars ($62.00) to be paid
within five (5) days. After five (5) days the animal must be imme-
diately removed from corporate City limits if the vaccination is still
not obtained.

B. Apprehending animals found to be at large, and

C. Investigating complaints of violation of this article. (Ord. 2013-02,
7-10-2013)

5-4A-27:  **RESTITUTION TO THE CITY:** Any owner of any animal
within the City of Wallace who is convicted of violating the
provisions of this article shall be responsible, in addition to any fine or
penalty otherwise imposed, to reimburse the City for restitution for any
costs incurred in the seizing, impounding, veterinary services, feeding,
boarding, returning to or disposing of such animal resulting from a violation
of this article. (Ord. 2013-02, 7-10-2013)
5-4A-28: **PENALTIES:** Any person violating any portion of this article shall be guilty of a misdemeanor. Each day a violation exists shall be considered a separate violation. Impoundment of an animal in violation does not preclude the charging of the owner of the animal in violation. (Ord. 2013-02, 7-10-2013)

5-4A-29: **SEVERABILITY:** If any section, sentence, paragraph, term, or provision hereof is determined to be illegal, invalid, or unconstitutional, by any court of competent jurisdiction or by any State or Federal regulatory authority having jurisdiction thereof, such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision hereof, all of which shall remain in full force and effect for the term of this article. (Ord. 2013-02, 7-10-2013)

5-4A-30: **REPEAL:** All ordinances or parts of ordinances inconsistent with the provisions of this article are hereby repealed. (Ord. 2013-02, 7-10-2013)

5-4A-31: **SAFETY CLAUSE:** The City of Wallace through its Mayor and City Council hereby finds, determines and declares that this article is necessary for the immediate preservation and protection of the public health, safety and welfare of the City's citizens and inhabitants thereof. (Ord. 2013-02, 7-10-2013)
CHAPTER 4
ANIMAL CONTROL

ARTICLE B. CHICKENS AND OTHER FOWL

SECTION:

5-4B-1: Regulation
5-4B-2: Terms Defined
5-4B-3: Purpose
5-4B-4: Investigation And Enforcement
5-4B-5: Limitations On The Keeping Of Fowl
5-4B-6: Violations

5-4B-1: REGULATION: The City does hereby regulate the domestica-
tion of chickens and other fowl within the City limits of the City of Wallace. (Ord. 2018-01, 4-11-2018)

5-4B-2: TERMS DEFINED: The following terms shall have the follow-
ing meanings when used in this article, unless the context of their use indicates otherwise:

BROODING: The period of fowl growth when supplemental heat must be provided, due to the bird's inability to generate enough body heat.

CHICKEN, DUCK, GOOSE, PEAFOWL, GUINEA FOWL: Shall carry their common definitions.

COOP: The structure for the keeping or housing of fowl permitted by this article.

ENFORCEMENT OFFICER: The Mayor or anyone whom the Mayor appoints to rule on or enforce this article.
EXERCISE YARD: A fenced area that provides space for exercise and foraging for the birds when supervised, but is not fully enclosed or covered like a run.

FOWL: A domesticated bird that serves as a source of eggs or meat.

GAME BIRD: Any fowl which is regulated under the hunting laws of the State of Idaho.

HEN: A female chicken.

ROOSTER: A male chicken.

RUN: Means a fully enclosed and covered area attached to a coop where the fowl can roam unsupervised. (Ord. 2018-01, 4-11-2018)

5-4B-3: PURPOSE: It is recognized that the ability to cultivate one's own food is a sustainable activity that can also be a rewarding pastime. Therefore, it is the purpose and intent of this article to permit the keeping and maintenance of hens and certain other fowl for egg and meat sources in a clean and sanitary manner that is not a nuisance to or detrimental to the public health, safety, and welfare of the community. (Ord. 2018-01, 4-11-2018)

5-4B-4: INVESTIGATION AND ENFORCEMENT: Enforcement officers shall have authority in the investigation and enforcement of this article, and no person shall interfere with, hinder or molest any such officer in the exercise of such powers. The officer shall make investigations as are necessary to ensure compliance with this article throughout the City. (Ord. 2018-01, 4-11-2018)

5-4B-5: LIMITATIONS ON THE KEEPING OF FOWL:

A. A lot may contain no more than six (6) fowl on any one lot in any area of the City.

B. Roosters, peafowl, and guinea fowl are strictly prohibited within City limits.
C. Slaughtering of fowl, other than game birds including ducks and geese, is prohibited within City limits unless such activity is done fully within the confines of a closed structure and not in public view.

D. Every lot containing fowl must have a functioning coop located on the lot. Coops must be constructed and maintained to meet the following minimum standards:

1. Location: Located in the rear or side yard.

2. Setbacks: Setback at least three feet (3') from the rear or side property lines.

3. Interior Floor Space: Three (3) square feet per bird.

4. Doors: One standard door to allow humans to access the coop and one for fowl.

5. Climate Control: Adequate ventilation and/or insulation to maintain the coop temperature between 32 - 85 degrees Fahrenheit.

6. Nest Boxes: One box per every three (3) fowl.

7. Rodent Proof: Coop construction and materials must be adequate to prevent access by rodents.

8. Construction: Coops shall be constructed and maintained in a workmanlike manner.

9. Exercise Yard: A run or exercise yard is required attached to or adjacent to each coop.
   a. Runs must be constructed and maintained to meet the following minimum standards:
      (1) Location: Rear or side yard.
      (2) Size: Ten (10) square feet per bird. If the coop is elevated two feet (2') so the fowl can access the space beneath, that area may count as a portion of the minimum run footprint.
      (3) Cover: Adequate to keep fowl in and predators out.
      (4) Substrate: Composed of material that can be easily raked or regularly replaced to reduce odor and flies.
b. Exercise yards must be externally fenced and are required if a run does not exist to provide at least ten (10) square feet per bird. Exercise yards must provide a minimum of one hundred (100) square feet per fowl.

E. Fowl must not be housed in a residential house or an attached or detached garage, except for brooding purposes only.

F. All premises on which fowl are kept or maintained shall be kept clean from filth, garbage, and any substances which attract rodents. The coop and its surroundings must be cleaned frequently enough to control odor. Manure shall not be allowed to accumulate in a way that causes an unsanitary condition or causes odors detectible on another property. Failure to comply with these conditions may result in the officer removing fowl from the premises.

G. All grain and food stored for the use of the fowl shall be kept in a rodent proof container.

H. Fowl shall not be kept in such a manner as to constitute a nuisance to the occupants of adjacent property and must be done in such a manner so as to comply with all State and local laws regarding nuisances.

I. Dead fowl must be disposed of in a timely and sanitary manner. (Ord. 2018-01, 4-11-2018)

5-4B-6: VIOLATIONS:

A. Any person violating any of the sections of this article shall be guilty of a misdemeanor.

B. Any person violating any conditions of this article shall reimburse the City for all costs borne by the City to enforce this article, including but not limited to those costs incurred by the City in the abatement of violations, and the removal or destruction of fowl kept on non-complying lots within the City. (Ord. 2018-01, 4-11-2018)