

CITY OF FERNAN LAKE VILLAGE

ORDINANCE NO. 108

AN ORDINANCE OF THE CITY OF FERNAN LAKE VILLAGE, KOOTENAI COUNTY, IDAHO, PROHIBITING CERTAIN ANIMALS IN A RESIDENTIAL ZONE, PROHIBITING NUISANCES CAUSED BY ANIMALS; PROVIDING FOR THE APPOINTMENT OF AN ANIMAL CONTROL OFFICER, THE IMPOUNDING OF ANIMALS, AND IMPOSING AN IMPOUND FEE; AND PRESCRIBING A PENALTY FOR A VIOLATION OF THIS ORDINANCE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FERNAN LAKE VILLAGE, KOOTENAI COUNTY, IDAHO:

SECTION I: It is unlawful for any person to keep, harbor, or otherwise possess any livestock in a Residential R-1 District in the City of Fernan Lake Village.

SECTION II: It is unlawful for any person to keep or maintain, or cause or permit to be kept or maintained, upon any premises in the City or upon any public street, highway, sidewalk, alley, park, playground, or other public place in the City, any animal (1) which by any barking, howling, whining, crowing, crying or other noise, or (2) which by any odor, smell, or stench, disturbs the peace and comfort of any reasonable person or interferes with the reasonable and comfortable enjoyment of life or property.

SECTION III: As used in this Ordinance:

(a) "Animal" means (1) a mammal other than a human being, (2) a reptile, (3) an amphibian, or (4) a bird.

(b) "Harbor" means the keeping of any animal on the

premises to which it customarily returns daily for food and care.

(c) "Livestock" means cattle, horses, goats, sheep, hogs, chickens, ducks, geese, and turkeys.

(d) "Premises" means real property and also means the inside of a closed motor vehicle.

SECTION IV: The Mayor may appoint or employ any suitable person as an animal control officer. It is unlawful for any individual to interfere in any manner with an animal control officer while the officer is carrying out his or her duties. The animal control officer shall have the following described duties:

(a) To issue citations to any person found to be in violation of any provision of this ordinance.

(b) To take and impound all animals found within the City which are being kept, maintained, or harbored contrary to the provisions of this Ordinance when he deems it necessary. Any such animal may be impounded by the animal control officer in an animal control shelter or other suitable place.

(c) To notify the owner of an impounded animal, if such owner is known, not later than one (1) day after such impoundment, by telephone or by mail. If notice is given by mail, it shall be sent First Class Mail to the last known address of the owner and such notice will be deemed given two (2) days after deposit in the United States mails. If the owner of the animal is unknown, the animal control officer shall give

written notice to the Clerk of the City describing the animal and the place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of the impound fee and other costs incurred by the City for impounding and maintaining the animal. The following impound fee shall be paid to the City Clerk:

1. For impounding any animal and keeping the animal for up to twenty-four (24) hours, and for giving the notice required by this section, TWENTY DOLLARS (\$20.00).

2. For keeping an animal longer than twenty-four (24) hours, the fee of FIVE DOLLARS (\$5.00) shall be assessed for each twenty-four (24) hour period or portion thereof.

The animal control officer shall keep all animals so impounded for a minimum of forty-eight (48) hours from the time of giving notice. If, at the expiration of forty-eight (48) hours from the time of giving notice to the owner or, if such owner is unknown, the giving of such notice to the City Clerk, such animal shall not have been redeemed, it may be either destroyed or sold. Any animal which appears to be suffering from or affected with hydrophobia (rabies), mange or other infections or dangerous disease shall not be released but shall be forthwith destroyed.

SECTION V: Any animal control officer or law enforcement officer observing or determining a violation of the Ordinance shall issue a citation describing such violation and allowing the person cited to post and forfeit the sum of TWENTY-FIVE

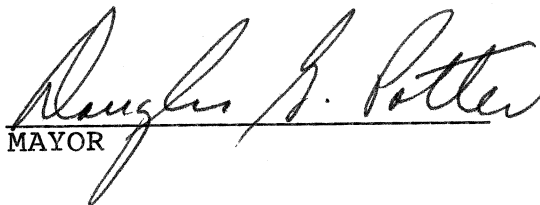
(\$25.00) DOLLARS by paying such sum to the City Clerk within thirty (30) days of the date of citation. The animal control officer and law enforcement officers are authorized to refrain from instituting a prosecution charging the person with a misdemeanor if such person posts and forfeits such sum to the City within thirty (30) days of the issuance of the citation.

SECTION VI: Any person violating any of the provisions of the Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than THREE HUNDRED DOLLARS (\$300.00)

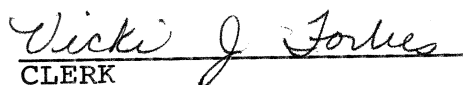
SECTION VII: All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION VIII: Upon its passage and approval and publication in one issue of the Coeur d'Alene Press, the official newspaper of the City of Fernan Lake Village, Idaho, this Ordinance shall be in full force and effect commencing JANUARY 1, 1992.

Passed under suspension of the rule at which a roll call vote was taken at a regular meeting of the City Council of the City of Fernan Lake Village, Kootenai County, Idaho this FIRST day of July, ¹⁹⁹¹.


MAYOR

ATTEST:


CLERK