

CITY OF BOISE

5-1-22: SALE OF COMMERCIALY BRED DOGS AND CATS IN RETAIL STORES PROHIBITED:

A. Prohibition: It shall be unlawful for any person to offer for sale any live dog or cat in a retail business within the City, except for dogs and cats obtained from an animal care and control agency, animal care facility, animal shelter, or non-profit rescue that does not breed dogs or cats, or obtain dogs or cats from a person who breeds or resells such animals for payment or compensations.

B. Breeder Exemption: This section shall not prohibit the private breeding of dogs and cats for direct sales between the breeder and the consumer.

5-1-23: TRANSFER OF ANIMALS UPON PUBLIC PROPERTIES PROHIBITED:

A. It shall be unlawful for any person to offer to sell or otherwise transfer ownership of any animal to another while upon public property, including but not limited to, parks, streets, alleys, sidewalks, or other public rights-of-way within the City.

B. Exceptions: The prohibitions of this section shall not apply to the following circumstances:

1. The transfer of ownership of a production animal as defined in Idaho Code Title 25, Chapter 35;
2. The transfer of ownership through sales conducted by a public body or public officer acting in his or her official capacity;
3. The transfer of ownership takes place at an animal show or exhibition conducted by and for persons who are regularly engaged in the practice of breeding animals for show or exhibition;
4. The transfer of ownership is conducted by an animal care and control agency, animal care facility, an animal shelter, or a non-profit rescue;
5. The transfer of custody and paperwork of previously purchased animals at the airport to facilitate the air transportation of such animals.

5-1-24: NONLIABILITY OF CITY:

The City shall not in any manner be liable by reason of any act done by the Animal Shelter, or any of its officers or employees, whether in the performance of the duties prescribed by this chapter, or otherwise, except as otherwise stated in the contract between the City and the animal control contractor.

5-1-25: PENALTY:

A. Any person found in violation of provisions of this chapter that are deemed to be infractions, is subject to the penalty as provided in section 1-4-2 of this Code. There is no right to a trial by jury of a citation or complaint for an infraction. Such trials shall be held before the court without a jury.

B. Except as otherwise provided herein, any person found in violation of the provisions of this chapter that are deemed to be misdemeanors, is subject to the penalties as provided in section 1-4-1 of this Code.

Section 3. That the summary of this ordinance, attached as Exhibit A, be, and the same is, approved as to both form and content.

Section 4. That this ordinance shall be in full force and effect from and after its passage, approval, and publication.

EXHIBIT "A"

STATEMENT OF BOISE CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY
OF ORDINANCE NO. [ORD-xx-xx]

The undersigned, Jennifer Pitino, in her capacity as Deputy City Attorney of the city of Boise City, Idaho, hereby certifies that she is a legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. [ORD-xx-xx] of the City of Boise City, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A(3).

DATED this _____ day of _____ 2021.



Jennifer Pitino
Deputy City Attorney

SUMMARY OF ORDINANCE NO. [ORD-xx-xx]
OF THE CITY OF BOISE CITY, IDAHO

PUBLIC NOTICE IS HEREBY GIVEN that the city of Boise City, Idaho, adopted at its regular meeting of _____, 2021, that Ordinance No. [ORD-xx-xx] entitled:

AN ORDINANCE REPEALING BOISE CITY CODE TITLE 5, CHAPTER 1, AND ENACTING A NEW TITLE 5, CHAPTER 1, ENTITLED "ANIMALS"; PROVIDING A TITLE, LEGAL AUTHORITY, SCOPE AND PURPOSE; DEFINING TERMS; PROVIDING ADMINISTRATIVE PROVISIONS FOR ANIMAL CONTROL CONTRACTORS AND ANIMAL SHELTERS; SETTING FORTH DOG SPECIFIC LICENSING AND REGULATIONS; PROHIBITING ANIMALS AT LARGE; SETTING FORTH NONCOMMERCIAL KENNEL LICENSING PROVISIONS; PROVIDING REGULATIONS FOR RABIES VACCINATIONS, AND ANIMAL QUARANTINE; SETTING FORTH DANGEROUS AND POTENTIALLY DANGEROUS DOG PROVISIONS; PROHIBITING CERTAIN EXOTIC ANIMALS; SETTING FORTH ANIMAL NUISANCE REGULATIONS; PROHIBITING CRUELTY TO ANIMALS; SETTING FORTH REGULATIONS REGARDING THE USE OF ANIMAL TRAPS; PROHIBITING INDIVIDUALS FROM COMMANDING ANIMAL TO ATTACK; PROHIBITING THE INTERFERENCE WITH OFFICIALS PERFORMING DUTIES UNDER THIS CHAPTER; PROVIDING PROHIBITIONS FOR DRIVING OR RIDING ANIMALS ON UNDESIGNATED PUBLIC RIGHTS-OF-WAY; SETTING FORTH GOOD SAMARITAN PROTECTIONS FOR ANIMALS RESCUED FROM UNATTENDED VEHICLES; PROVIDING FOR DETERMINATION AND FORFEITURE

Attachment: Exhibit A - Summary (ORD-20-21 : Amending Boise City Code Title5, Chapter 1, Animal Control)

HEARINGS AND APPEALS; SETTING FORTH PARENTAL LIABILITY FOR MINORS OWNING ANIMALS; PROHIBITING THE SALE OF COMMERCIALY BRED DOGS AND CATS IN RETAIL STORES; PROHIBITING THE TRANSFER OF ANIMALS UPON PUBLIC PROPERTY; SETTING FORTH THE NONLIABILITY OF THE CITY FOR THE ACTS OF ITS CONTRACTORS; PROVIDING PENALTY SECTION; APPROVING A SUMMARY OF THE ORDINANCE; AND PROVIDING AN EFFECTIVE DATE.

This ordinance repeals the existing Boise City Code Title 5, Chapter 5 and replaces it with a newly enacted Title 5, Chapter 1, entitled “Animals.” The ordinance provides a title, and sections setting forth the legal authority, scope and purpose of it. It sets forth definitions and provides administrative provisions for animal control contractors and animal shelters. The ordinance provides dog specific licensing and regulations. The ordinance prohibits animals at large. It sets forth provisions governing noncommercial kennel licenses. The ordinance establishes regulations for rabies vaccinations and animal quarantine. The ordinance sets forth dangerous and potentially dangerous dog provisions. It prohibits certain exotic animals and sets forth animal nuisance regulations. The ordinance prohibits cruelty to animals and provides regulations regarding the use of animal traps. It prohibits individuals from commanding an animal to attack. The ordinance prohibits the interference with officials performing their duties under this chapter. The ordinance prohibits driving or riding of animals on undesignated public rights-of-way. It sets forth Good Samaritan protections for animals rescued from unattended vehicles. It also provides for determination and forfeiture hearings and appeals. It provides for parental liability for minors owning animals. The ordinance prohibits the sale of commercially bred dogs and cats in retail stores. It also prohibits the transfer of animals upon public property. The ordinance sets forth the non-liability of the City for the acts of its contractors. The ordinance provides a penalty section. The ordinance establishes an ordinance effective date and approves this ordinance summary. The effective date of the Ordinance is the date of its passage, approval and publication.

A copy of the full text of the Ordinance is available at the City Clerk’s office, 150 North Capitol Boulevard, in Boise, Idaho 83701. Examination may be requested in writing or in person during regular business hours of the City Clerk’s office, from 8:00 a.m. until 5:00 p.m. pursuant to Idaho Code Title 50, Chapter 9, Section 01A(4).

DATED this _____ day of _____, 2021.

City of Boise City, Idaho

ATTEST:

MAYOR
Lauren McLean

EX-OFFICIO CITY CLERK
Lynda Lowry

Attachment: Exhibit A - Summary (ORD-20-21 : Amending Boise City Code Title5, Chapter 1, Animal Control)