

CHAPTER 1

ANIMAL CONTROL

SECTION:

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5-1-1: **DEFINITIONS:**

As used in this chapter, the following words and terms shall mean:

- ANIMAL CONTROL OFFICER OR OFFICER:** Any person designated by the City Council to carry out the provisions of this chapter.
- ANIMALS:**
- Dogs: Including all various species of the family Canidae, such as wolves, coyotes, foxes, etc.
- Livestock: Cattle, swine, horses, sheep, goats and any other tame or wild animals.
- Poultry: Including chickens, ducks, geese, pigeons and peacocks.
- AT LARGE:** To be off the premises of the owner and not under the control of the owner or another person.
- CONTROL:** Constrained by means of a leash to the owner or other person's immediate proximity, preventing an animal from trespassing upon the property of others or annoying or chasing other persons, animals or vehicles.

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- HARBORING:** The keeping of any animal. The occupant of any premises on which an animal remains, or to which it customarily returns daily for food and care for three (3) consecutive days or more, is presumed to be harboring or keeping the animal within the meaning of this chapter, and is a harborer.
- LEASH:** A cord, thong, leash or chain, not more than ten feet (10') in length by which an animal is controlled by the person accompanying it.
- OWNER, CUSTODIAN OR KEEPER OR HARBORER:** Any person, including any firm, association, partnership or corporation, or their agents or persons acting with their permission owning, keeping or harboring animals.
- PREMISES:** All of the real property under the person or person's ownership, lease or control inside the inner line of a sidewalk, curb, ditch or shoulder marking the edge of a traveled or used portion of a public right-of-way. Also within enclosures, fences and the inside or upon a motor vehicle.
- VICIOUS DOGS:** Any dog known to have bitten any person other than in self-defense or under provocation, or any dog whose temperament or habits create danger of injury to persons or other animals. (Ord. 137, 7-14-1987; amd. 2018 Code)

5-1-2: DOG LICENSING:

- A. **License Required; Fee:** Dog licenses shall be required as provided by Bingham County Ordinances, if enacted. (Ord. 137, 7-14-1987; amd. 2018 Code; Ord. 217, 7-10-2024)
- B. **Prohibited Use Of Tag; Change In Ownership:** It shall be unlawful for any person to use any license tag for any dog other than the one for which it is issued. If there is a change in ownership of the licensed dog, the new owner shall apply, obtain and pay for a new license without proration for a part of a year. (Ord. 137, 7-14-1987)

5-1-3: ANIMALS OR LIVESTOCK AT LARGE:

It shall be unlawful for any person to cause, permit or allow livestock owned, harbored, controlled or kept by him or her to roam, run or stray away from the premises from which the livestock are owned, harbored, controlled or kept, except where the animal is kept under control by means of a leash or chain not exceeding ten feet (10') in length and held by the owner or other person. (Ord. 137, 7-14-1987)

It is unlawful to allow or cause animals, including livestock, to roam, stray or run upon the premises owned by another, to be "at large", or to abandon any animal, within the City. (Ord. 139, 5-10-1988)

5-1-4: OFFENSES:

It shall be unlawful for any person owning, harboring, controlling or keeping any animal or livestock to permit said animal or livestock to do any of the following acts: (Ord. 137, 7-14-1987; amd. 2018 Code)

- A. Bite or attempt to bite any person.
- B. Scatter garbage, refuse or debris, or chase any person, vehicle or animal.
- C. Deposit fecal material on any property not that of its owner or custodian.
- D. Bark, howl or otherwise cause noise which disturbs or is likely to disturb the peace and quiet of any person. Such action is hereby specifically declared to be a nuisance.
- E. Trespass upon the property of another person.
- F. Cause property damage or personal injury of any kind to other than the owner or the owner's property. (Ord. 137, 7-14-1987)

5-1-5: PROHIBITED ACTS:

- A. Vicious Dogs: No person shall keep or harbor a vicious dog. (Ord. 137, 7-14-1987; amd. 2018 Code)
- B. Nuisance Animals: It is unlawful to keep, harbor or maintain animals, including livestock, within the City in such a manner that said keeping results in nauseous, foul or offensive conditions. (Ord. 139, 5-10-1988)

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- C. Subsistence: Fail to provide animals or livestock with adequate food, water, shelter and necessary veterinary care. (Ord. 137, 7-14-1987; amd. 2018 Code)
- D. Abuse: It is unlawful to abuse any animal, including livestock, within the City. Abuse shall include, but not be limited to: torture, beating, starving, ill treatment, leaving unattended in or attached to a vehicle, regardless that said vehicle is used to transport animals, for a period of time longer than one hour. (Ord. 139, 5-10-1988)
- E. Abandon: Abandon any animal or livestock.
- F. Females In Heat: Allow a female dog in time of heat to be kept anywhere but in a building or secure enclosure in such a manner that such female dog cannot come in contact with another dog, except for planned breeding. (Ord. 137, 7-14-1987; amd. 2018 Code)
- G. Tether, Tie: Tether, stake or tie any horse or other livestock to any structure, building, fence or stake within the City, without the express permission of the owner thereof. (Ord. 139, 5-10-1988)

5-1-6: **HORSES PROHIBITED IN SPECIFIED AREAS:**

It is unlawful for the owner, rider, custodian or keeper of any horse or horses to allow said animals upon the sidewalks, pedestrian walk areas, City parks and playgrounds or, without permission of the property owner, upon private property within the City. (Ord. 139, 5-10-1988)

5-1-7: **DEFENSE OF LIFE OR PROPERTY:**

Any dog may be killed by any police officer or any citizen, whether such be licensed or unlicensed, when such killing is in defense of life or property. (Ord. 137, 7-14-1987)

5-1-8: NUMBER OF DOGS PERMITTED; KENNELS:

- A. Specified: It shall be unlawful for any person to harbor, keep or maintain in a single dwelling or on the premises where such dwelling is situated, more than two (2) dogs which are older than the age of three (3) months, irrespective of the number of persons residing therein.
- B. Kennels: The City shall not authorize the issuance of any kennel licenses, and any person who holds or purports to hold a kennel license shall nevertheless be subject to the restrictions of the immediately preceding subsection. (Ord. 137, 7-14-1987)

5-1-9: SEIZURE AND IMPOUNDING:

- A. Authorized: All animals found running at large and all dogs not collared, licensed and caged, are declared to be a public nuisance and it shall be the duty of all officers to take up and impound any animals found in violation of this chapter.
- B. Unclaimed Dogs: Any dog seized that remains unclaimed for forty eight (48) hours shall be deemed abandoned and the officer shall cause the dog to be killed or disposed of. (Ord. 137, 7-14-1987)
- C. Reclaim; Fees: Dogs may be reclaimed, after seizure, upon payment to the City Clerk of an impound fee in such amount as established by the City Council, in addition to a purchase of a dog license fee, if said dog is unlicensed at seizure, and all impound charges and costs of maintaining the animal. (Ord. 137, 7-14-1987; amd. 2018 Code)
- D. Subsequent Seizures: Upon the second and subsequent seizures under this chapter, the fees for redemption shall double with each subsequent seizure. (Ord. 137, 7-14-1987)

5-1-10: QUARANTINE:

- A. Surrender: Any dog or other animal showing symptoms of rabies or other disease, sickness or illness, and every dog or other animal that has bitten any person so as to cause an abrasion or laceration of the skin shall be immediately surrendered to the animal control officer, and thereafter said animal shall be subject to the complete jurisdiction of said officers. The animal shall be quarantined at the owner's or harborer's expense with a veterinarian for a period not to exceed ten (10) days, and upon a veterinarian's determination that the animal is not rabid, sick or ill as to cause a danger to any person, shall be released to said owner or harborer upon the payment of the quarantine and examination costs and expenses. If said costs and expenses are not paid, disposition shall be as provided in this chapter.

- B. Destruction: If the animal is determined to be rabid, or has a disease rendering the animal dangerous to persons, it shall be destroyed in conformity with the law. (Ord. 137, 7-14-1987)

5-1-11: **GRIEVANCES:**

Any person aggrieved by an alleged violation of this chapter may file a written complaint, under oath, with the City Clerk, who shall issue directions to the officer requiring that the animal so seized shall not be disposed of until a hearing is afforded to the complainant before the City Council. (Ord. 137, 7-14-1987)

5-1-12: **PENALTY; ADDITIONAL REMEDIES:**

- A. Penalty: Violation of any of the provisions of this chapter shall be deemed a misdemeanor and any person found guilty thereof shall be subject to penalty as provided in section 1-4-1 of this Code. (Ord. 137, 7-14-1987; amd. 2018 Code)
- B. Additional Remedies: Any violations of this chapter which continues for more than twenty four (24) hours is hereby declared to be a public nuisance, and, in addition to any other civil or criminal remedies or penalties, the City may cause such conditions to be abated in the manner provided by law. (Ord. 137, 7-14-1987)

5-1-13: **KEEPING OF CHICKENS AND RABBITS:**

Notwithstanding any restrictions contained in other chapters of Firth City Code to the contrary, the keeping of chickens and/or rabbits is permitted within the rear yard of any single family dwelling or duplex, provided that the following requirements are observed:

- A. No rooster shall be permitted to be kept upon any residential or commercial premises within City limits.
- B. The number of chickens permitted within City limits and the location of a chicken coop shall be as follows:
1. Up to six (6) chickens may be kept on premises, provided that a coop to house the chickens is located outside of all required setbacks as established by City Code;
 2. Chickens must be kept within a coop that is a minimum of thirty (30) feet from all City streets and fifteen (15) feet from all other structures. Outdoor enclosures must be constructed to comply with this restriction.

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- C. The number of rabbits permitted within City limits and the location of a rabbit hutch are as follows:
1. A total of two (2) rabbits, not including baby rabbits less than five (5) months in age, shall be allowed to be kept upon the premises, provided that the hutch is located outside of all required setbacks as established by City Code.
 2. Rabbits must be kept within a hutch that is a minimum of thirty (30) feet from all City Streets and fifteen (15) feet from all other structures. Outdoor enclosures must be constructed to comply with this restriction.
- D. All chickens and/or rabbits shall be housed within a coop or hutch that is designed to be:
1. Reasonably predator proof;
 2. Thoroughly ventilated;
 3. Watertight;
 4. Easily accessed and cleaned;
 5. A minimum of 4 square feet i.e. (2 ft. x 2 ft.) of area per chicken;
 6. A minimum of 8 square feet i.e (2 ft. x 4 ft.) of area per rabbit;
 7. Each rabbit must be kept in separate or divided hutches;
 8. Structurally Sound;
 9. Rabbits and Chickens are not to share a Hutch and/or Coop.
- E. Direct access for the chickens or rabbits from the coop or hutch to an outdoor enclosure shall be provided with the outdoor enclosure designed to be:
1. Reasonably predator proof;
 2. Easily accessed and cleaned;
 3. Fenced to contain the chickens and/or rabbits; and
 4. A minimum of eight (8) square feet of ground area i.e.(2 x 4 ft.) per chicken or rabbit.

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- F. It shall be unlawful for any owner or custodian of any animal to fail to provide any animal with any of the following: sufficient wholesome food, fresh clean water, proper shelter and protection from the weather, appropriate veterinary care to prevent suffering and /or to treat disease, a clean and wholesome living environment, and protection from abuse or misuse.
- G. Any person who shall violate any provision of this Chapter shall be guilty of a misdemeanor and, on conviction thereof, subject the offender to penalties in accordance with Section 1-4-1 of this Code. (Ord. 217, 7-10-2024)

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CHAPTER 2
MINORS; CURFEW

SECTION:

- 5-2-1: Definitions
- 5-2-2: Curfew Specified; Exceptions
- 5-2-3: Authority To Stop And Detain
- 5-2-4: Penalty

5-2-1: **DEFINITIONS:** The following words and phrases used in this chapter shall have the following meanings unless a different meaning clearly appears from the context:

CHILD: Any unemancipated person, male or female, under the age of eighteen (18) years old.

CURFEW: The hours during which it is unlawful for any child to be found in the places and/or circumstances as herein specified.

EMANCIPATED: Any person either eighteen (18) years of age or older, or if under the age of eighteen (18), any person who is married or has been married; or any person who is in active military service; or any person who is both self-supporting and neither resides with nor is subject to parental control.

PARENT: The mother, father or both (both being referred to in the singular as "parent"), guardian or other adult person having the legal care, custody or control of a child.

SELF-SUPPORTING: Being able to take care of and provide for one-self and having control of one's earnings, belongings and residence. (Ord. 152, 7-12-1994)

5-2-2: CURFEW SPECIFIED; EXCEPTIONS:

- A. **Minors:** It shall be unlawful for any child under the age of eighteen (18) years of age to be, or to remain, in or upon any street, alley, public ground, public place or any place open to the public or exposed to public use within the City between the hours of twelve thirty o'clock (12:30) A.M. and five o'clock (5:00) A.M.
- B. **Parent Responsibility:** It shall be unlawful for any parent, guardian or other person having the care or custody of any child under the age of eighteen (18) years of age to allow the child to be, or to remain, in or upon any street, alley, public ground, public place or any place open to the public or exposed to public use within the City between the hours of twelve thirty o'clock (12:30) A.M. and five o'clock (5:00) A.M.
- C. **Exceptions:** The provisions of this section shall not apply to any person who is accompanied by their parent, guardian or other adult person having the care or custody of that child; nor to any person who is in the performance of an errand or duty directed to them by their parent, guardian or other adult person having the care or custody of that child; nor to any child who is actually at the time engaged in legitimate employment for profit. (Ord. 152, 7-12-1994)

5-2-3: AUTHORITY TO STOP AND DETAIN: Law enforcement officers shall have the authority to stop and temporarily detain a child, or one who appears to be a child, as defined in section 5-2-1 of this chapter, during the hours of curfew to obtain his name, age, address and parents' names whenever said officer has reasonable suspicion that the child and/or his parents are in violation of this chapter. Upon determination that the child and his parent are in violation hereof, the officer shall direct or deliver the child to the residence of his parent; in addition, the officer may issue warnings of violation, petitions and citations as appropriate under this chapter. Warnings issued shall clearly state the possible penalties which may be imposed for subsequent violations. (Ord. 152, 7-12-1994)

5-2-4: PENALTY: Any parent who violates the provisions of this chapter shall be guilty of a misdemeanor and subject to penalty as provided in section 1-4-1 of this Code. Any child who violates the provisions of this section may be petitioned into court under the provisions of the Youth Rehabilitation Act. (Ord. 152, 7-12-1994; amd. 2018 Code)

CHAPTER 3

FIREARMS

SECTION:

- 5-3-1: Definitions
5-3-2: Discharge Prohibited
5-3-3: Penalty

5-3-1: **DEFINITIONS:**

FIREARM: Shall mean any instrument or device used for the propulsion of any projectile, including, but not limited to, guns, powder, air, elastic or spring operated; bows; and flippers and slings. (Ord. 135, 7-14-1987)

5-3-2: **DISCHARGE PROHIBITED:** It shall be unlawful to discharge any firearm within the City, as presently incorporated and as hereinafter annexed and increased; provided, this prohibition shall not apply to police officers in the discharge of their duties. (Ord. 135, 7-14-1987)

5-3-3: **PENALTY:** Violation of this chapter shall be a misdemeanor, subject to penalty as provided in section 1-4-1 of this Code. (Ord. 135, 7-14-1987; amd. 2018 Code)