

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING EXISTING ANIMAL REGULATIONS TO PROHIBIT THE SALE OF DOGS AND CATS IN RETAIL STORES; PROHIBITING THE SALE OF ANIMALS IN PUBLIC PLACES; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, Idaho Code Title 50, Chapter 3 authorizes Council to adopt ordinances to maintain the peace, good governance, and welfare of the corporation and its trade, commerce, and industry; and

WHEREAS, Idaho Code Title 25 establishes regulations related to the keeping of animals, including dogs and other domesticated animals; and

WHEREAS, the City is subject to the laws and constitution of the State of Idaho and has duly adopted regulations to supplement those laws for the safety, health, and welfare of the residents of the City; and

WHEREAS, the Council intends to prohibit the commercial sale of dogs and cats to prevent the promulgation of animals that are bred in facilities that are injurious to the health of those animals; and

WHEREAS, existing reputable dog and cat breeders are known to adequately supply the current demand for these domesticated animals; and

WHEREAS; the Council finds that the sale of dogs or cats in pet stores or sold or offered for sale in public places within the City is inconsistent with the City's goal to be a community that promotes and supports animal welfare; and

WHEREAS, the Council desires to adopt reasonable regulations to protect members of the community, prevent inhumane conditions or treatment of animals, and to foster a healthier and more humane environment in the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO THAT:

SECTION 1. Title 5, Chapter 5, Section 1 of the City Code of the City of Idaho Falls, Idaho, is hereby amended as follows:

5-5-1: DEFINITIONS. Whenever the following words or terms are used in this Chapter, they shall have the meanings ascribed below:

Adequate care. Care of an animal to include, but not be limited to, a clean, safe shelter that provides protection from the weather, sufficient heat and ventilation, wholesome food and water, proper veterinary care and exercise consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Animal control shelter. ~~Any animal shelter, lot, premises or building maintained by the City for the confinement and care of animals.~~ Any facility owned or operated by a governmental entity or any animal welfare organization which is incorporated within the State of Idaho for the purpose of preventing cruelty to animals and used for the care and custody of seized, stray, homeless, quarantined, or abandoned dogs, cats or other small domestic animals.

Animal Rescue Organization. A non-profit corporation that is exempt from taxation under Section 501(c)(3) of the Internal Revenue Code and which participates in early age spay/neuter of animals; complies with State and local laws regarding the humane treatment of animals; and whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes; or any non-profit organization that is not exempt from taxation under Internal Revenue Code Section 501(c)(3) but is currently an active rescue partner with a municipal or county animal shelter or humane society, whose mission is, in whole or in significant part, the rescue and placement of dogs and cats. "Animal Rescue Organization" shall not include any entity that breeds animals or that is located on the same premises as; has any personnel in common with; obtains, in exchange for payments or any other form of compensation, dogs or cats from; or facilitates the sale of dogs or cats obtained from; a person who breeds animals.

Certificate of Source. Any document from the source city or county animal shelter, humane society, or non-profit animal rescue organization declaring the acquisition source of the dog or cat on the premises of the pet store, retail business, or other commercial establishment.

Cruelty. An act committed with the intent to harm or needlessly kill an animal or committed out of depraved indifference for the animal's well-being, including but not limited to torture, maiming, beating, or otherwise committing violence that causes injury or death.

Domesticated rabbit. A rabbit (*oryctolagus cuniculus domesticus*) bred or kept as a pet or for food, wool, or fur and which has not been obtained in the wild.

Domesticated turkey. A turkey (*meleagris gallopavo domesticus*) bred for meat and/or egg production and which has not been obtained in the wild.

Enclosure. A fence or structure suitable to prevent the escape of an animal or the entry of young children.

Fowl. Domesticated birds (galliformes and anseriformes), kept as a pet or bred for meat and/or egg production, and which have not been obtained in the wild, including chickens, quail, ducks, and geese. Fowl shall not include peafowl, guinea fowl, ostriches, or emus.

Household. A property where animals are kept, including buildings used as residences, kennels, barns, sheds, and other structures and pens, corrals, or other enclosures.

Owner. A person having the right of property or custody of an animal, or who keeps or harbors an animal, or knowingly permits an animal to remain on or about any premises occupied, owned, or controlled by that person.

Pet shop. ~~An establishment engaged in the business of buying or selling animals at retail for profit.~~ A retail store where animals are kept, sold, or offered for sale on the premises. “Pet Shop” shall include any owner or operator of the business. An animal rescue organization or animal shelter, as defined in this Chapter, shall not be considered a pet shop.

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SECTION 2. Title 5, Chapter 5, Section 13 of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

5-5-13: SALE OF CERTAIN ANIMALS IN PUBLIC PLACES PROHIBITED.

- (A) It shall be unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, sell, or otherwise transfer ownership of any animal to another upon a street, sidewalk, public park, public right-of-way, or other public place.
- (B) The prohibitions in this subsection shall not apply when transfer of animal ownership is conducted by an animal shelter; non-profit animal rescue organization; or an enforcement officer, law enforcement, or any other City employee charged with enforcing the provisions of this subsection.
- (C) This subsection shall not apply to the sale of a dog or cat from the premises on which they were bred and reared.

SECTION 3. Title 5, Chapter 5, Section 14 of the City Code of the City of Idaho Falls, Idaho, is hereby added as follows:

5-5-14: SALE OF DOGS AND CATS IN RETAIL STORES PROHIBITED.

- (A) It shall be unlawful for any person to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any live dog or cat of any age in a retail business or other commercial establishment located within the City, except for a dog and cat obtained from an animal shelter, humane society, or non-profit animal rescue organization that does not breed dogs or cats and does not obtain dogs or cats from a person who breeds or resells such animals for payment or compensation.
- (B) Every establishment lawfully selling or boarding for the purpose of eventual sale any dog or cat shall maintain a certificate of source for each such animal and shall make it available upon request to enforcement officers, law enforcement, or any other City employee charged with enforcing the provisions of this subsection.
- (C) This subsection shall not apply to the sale of a dog or cat from the premises upon or in which they were bred and reared.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 5. Codification Clause. The Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 6. Publication and Effective Date. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this day of _____, 2023.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

CORRIN WILDE, CITY CLERK

REBECCA L. NOAH CASPER, Ph.D., MAYOR

(SEAL)