

TITLE 5
POLICE REGULATIONS

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CHAPTER 1
POLICE DEPARTMENT

SECTION:

- 5-1-1: Department Created; Qualifications; Appointments
- 5-1-2: Chief of Police
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- 5-1-4: Powers and Duties of Department Members
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5-1-1: **DEPARTMENT CREATED; QUALIFICATIONS; APPOINTMENTS:** There is hereby created a Police Department of the City, and members thereof shall be citizens of the United States and shall be over the age of twenty one (21) years. Said Department shall consist of a Chief of Police, appointed by the Mayor with the consent of the City Council, and such number of police as may be from time to time authorized by the Mayor and City Council and appointed with their consent, and such reserve officers as may from time to time be appointed by the Chief as exigencies arise. (2007 Code; amd. Ord. 15-809, 10)

5-1-2: **CHIEF OF POLICE:**

- A. Appointment: The Chief of Police shall be appointed by the Mayor subject to the approval of the Council. The Chief of Police may be removed by the Mayor for any cause by him deemed sufficient; but such removal shall be by and with the affirmative vote of one half (1/2) plus one (1) of the members of the full council; provided, that the City Council, by the unanimous vote of all its members, may upon their own initiative remove any appointive officer. (1959 Code §1-15-1; amd. Ord. 15-809, 10-07-15)
- B. Rank: The Chief of Police shall be the head of the Department and have supervision over all the officers and members thereof. The Chief of Police may, with the approval of the Mayor, appoint such reserve officers as may be required from time to time. (1959 Code §1-15-2; 2007 Code)

C. Duties:

1. Records and Reports: The Chief of Police shall keep such records and make such reports concerning the activities of the Department as may be required by statute or by the Mayor. The Chief shall be responsible for the performance of the Police Department and of its functions and all persons who are members of the Police Department shall serve subject to the Chief's orders.

2. Enforcement of Code: It shall be the duty of the Chief of Police to see to the enforcement of all provisions of this Code and of all applicable statutes and to preserve order and prevent infractions of the law and arrest violators thereof. The Chief shall have authority to call upon any citizen or bystander to assist him or her in the execution of the duties of such office. The Chief shall serve all processes issued to him or her and enforce all orders and judgments of the Court. (1959 Code §1-15-3)

D. Custody of Recovered Property: The Chief of Police shall have the custody of all lost, abandoned or stolen property recovered within the City. (1959 Code §1-15-4)

5-1-3: **SUPERVISION OF POLICE OFFICERS:** All members of the Department and reserve officers shall be under the direction and supervision of the Chief of Police. (2007 Code)

5-1-4: **POWERS AND DUTIES OF DEPARTMENT MEMBERS:**

A. Generally: It shall be the duty of all members of the Department to cause the public peace to be preserved and to see that all laws and ordinances within the City are enforced.

B. Arrest Powers:

1. Whenever the violation of any law or ordinance shall be reported to them or come to their knowledge, they shall cause the informant, who is a competent witness, to testify against the accused and to sign the required complaint; provided, however, that when a violation of any law or ordinance is committed in their presence, the arrest may be made without a complaint and such complaint may be made by the arresting officer and filed in the proper court. It shall

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be the duty of members of the Department whenever arrests for the violation of any law or ordinance have been made to see to it that all possible evidence is procured for prosecution of the offenders.

2. The officers and members of the Police Department shall have power to arrest all offenders against the laws of the State of Idaho and ordinances of the City, by day or by night, in the same manner as any sheriff or constable, and keep them in the Lemhi County jail or other place to prevent their escape until trial can be had before the proper court. (2007 Code)

5-1-5: **JURISDICTION:** Whenever police shall be in the fresh pursuit of an offender against any law of the State of Idaho or ordinance of the City, and the offense has been committed within the corporate limits of the City, such police or police officer, while in fresh pursuit, may go beyond the corporate or geographical limits of the City. The arresting officer may take such offender to and keep such offender in the Lemhi County jail or other place to prevent escape until trial can be had before the proper court, or may personally hand such arrested person a notice in writing, or partly in writing and partly printed, to appear in the proper court at a time specified in such notice. In addition to such notice, whenever a proper judge is not available to fix and accept bail for the appearance of such offender in a court of competent jurisdiction, such arresting officer may accept a temporary bail for the appearance of such offender at the time specified in said notice, and which bail shall be by the arresting officer delivered to the proper judge. (2007 Code)

5-1-6: **POLICE TRAINING AID:** The City declares that it desires to qualify to receive aid for police training from the Idaho Police Officers' Standards and Training Council pursuant to Idaho Code, section 19-5101 et seq., and, while receiving such aid, will adhere to the standards for recruitment and training established by that Council. (2007 Code)

CHAPTER 2
GENERAL OFFENSES

SECTION:

- 5-2-1: Code Adopted
- 5-2-2: Issuance Of Citations
- 5-2-3: Encouraging Delinquency
- 5-2-4: Loudspeakers Or Sound Trucks
- 5-2-5: Playing Ball On Streets Prohibited
- 5-2-6: Water Flowing Upon Streets
- 5-2-7: Discharge Of Firearms Prohibited
- 5-2-8: Possession, Consumption, and Transportation Of Open Alcoholic Beverages and Intoxicating Inhalants
- 5-2-9: Disturbing the Peace

5-2-1: **CODE ADOPTED:** 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, 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.

One copy of said laws shall be on file in the office of the City Clerk for reference to and inspection by the general public.

(2007 Code)

5-2-2: **ISSUANCE OF CITATIONS:** Upon a violation of any provision of this Chapter or the laws hereinabove adopted, the arresting officer shall execute the citation in the following manner:

Violation of Salmon City Code, Section 5-2-1 (being in particular Section 18-(applicable code)____, of the Idaho Code).

(1995 Code; amd. 2007 Code)

5-2-3

5-2-7

5-2-3: **ENCOURAGING DELINQUENCY:** It shall be unlawful for any person, by any act or neglect, to encourage, aid or cause a child to come within the purview of the juvenile authorities; and it shall likewise be unlawful for any person, after notice that a driver's license of any child has been suspended or revoked, to permit such child to operate a motor vehicle during the period that such driver's license is suspended. (1959 Code §6-1-13)

5-2-4: **LOUDSPEAKERS OR SOUND TRUCKS:** It shall be unlawful to play, operate or use any device known as a sound truck, loudspeaker or sound amplifier, radio or phonograph, with loudspeaker or sound amplifier or any instrument of any kind or character which emits loud and raucous noises and is attached to and upon any vehicle unless such person in charge of such vehicle shall have first applied to and received permission from the Chief of Police to operate any such vehicle so equipped. (1959 Code §6-1-29)

5-2-5: **PLAYING BALL ON STREETS PROHIBITED:** It shall be unlawful for any person to play ball or throw any ball to and fro upon any public thoroughfare in the City. (1959 Code §6-1-37)

5-2-6: **WATER FLOWING UPON STREETS:** It shall be unlawful for any person to allow any water to flow into or upon any public thoroughfares. (1959 Code §6-1-46)

5-2-7: **DISCHARGE OF FIREARMS PROHIBITED:**

A. Definition Of Terms: As used in this Section:

FIREARMS: Wherever the term "firearms" is used in this section, the term shall mean any instrument used in the propulsion of shot, shell, or bullets or other harmful objects by the action of gunpowder within it, or by the action of compressed air within it, or by the power of springs and including what are commonly known as air rifles and B-B guns.

- B. It shall be unlawful for any person to discharge firearms of any kind within the limits of the municipality; provided, however, that this shall not apply to police officers in the discharge of their duties.
- C. The governing body may, at any time, upon receipt of proper application, grant permits to shooting galleries, gun clubs, and others for shooting in fixed localities and under specified rules. Such permits shall be in writing attested by the City Clerk, upon approval of the City Council, conforming to such requirements as the governing body shall demand, and the permit thus issued shall be subject to revocation at any time by action of the governing body and/or the Chief of Police. (Ord. 12-783, 6-20-2012)

5-2-8: POSESSION, CONSUMPTION AND TRANSPORTATION OF OPEN ALCOHOLIC BEVERAGES AND INTOXICATING INHALANTS: Possession, consumption, and transportation of open alcoholic beverages and intoxicating inhalants is prohibited on the public areas and rights of way within the city. It shall be unlawful for any person to become or attempt to become intoxicated by inhaling the fumes of gasoline, toluene or any other solvent or product containing any such solvent.

- A. Public Intoxication: Any person who is in public and intoxicated at a level that presents a danger to themselves and/or others or creates a disturbance of the peace, shall be guilty of a misdemeanor.
- B. It is unlawful for any person to consume any of the following: beer, wine, or other alcoholic beverage or liquor, or any liquid or solid, patented or not, containing alcohol, spirits, or wine, either on foot or by other means of locomotion, on any of the public rights of way or public areas of the city. Public areas shall include parking areas and lots, sidewalks, building traffic areas, loading and unloading areas, alleys, public easements, rivers and ditches, rights of way for public utilities, school grounds, parking areas along and adjacent to public streets and similar such areas of public use. This ordinance shall be interpreted to exclude limited consumption of alcoholic beverages by individuals in city parks, ball fields, hockey rinks, city golf course, and other places incidental to private social gatherings.
- C. It is unlawful for any person to breathe, inhale or drink any compound, liquid, chemical or other substance containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate,

methylethyl ketone, trichloroethane, isopropanol methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, pentachlorophenol, petroleum ether, benzene, ethylene dichloride, or any other toxic or intoxicating substance while present on the public areas or public rights of way within the city, as the same are set out hereinabove, whether on foot or by other means of locomotion.

- D. It is unlawful for any person to break open, or allow to be broken or opened, any container of beer, wine, or other alcoholic beverage; or to possess any container of beer, wine, or alcoholic beverage whose lid or cap is not securely fastened or, in the case of canned beverages, whose top has been popped open, while the person is present, either on foot or by other means of locomotion, upon the public streets or public areas of the city as the same are set out hereinabove.
- E. Exceptions for consumption during special events may be requested from the sponsoring agency at the office of the City Clerk at least seventy two (72) hours prior to the event and the Police Chief is hereby authorized to review the request or deny said permit application. If alcohol is being sold, the application must be accompanied by a catering permit or Non-Profit Beer and/or Wine Permit issued by the State of Idaho. If approved, the permit shall then be issued by the City Clerk. (Ord. 12-784, 6-27-2012)

5-2-9: **DISTURBING THE PEACE:** Every person who maliciously and willfully disturbs the peace or quiet of any neighborhood, family or person, by loud or unusual noise, or by tumultuous or offensive conduct, or by threatening, traducing, quarreling, challenging to fight or fighting, or fires any gun or pistol, is guilty of a misdemeanor.

CHAPTER 3
ANIMAL CONTROL
ARTICLE A. ANIMALS

SECTION:

- 5-3A-1: Animals Running At Large Prohibited
- 5-3A-2: Poultry Running At Large Prohibited
- 5-3A-3: Impounding Of Animals; Fee
- 5-3A-4: Notice And Sale Of Animals
- 5-3A-5: Revenue From Sale
- 5-3A-6: Freeing Impounded Animals Prohibited
- 5-3A-7: Vicious Animals

5-3A-1: **ANIMALS RUNNING AT LARGE PROHIBITED:** No animal shall be permitted to run at large in the City at any time during the year; and it shall be unlawful for anyone to herd or drive any animal through the streets without having said animal under control by means of a rope, strap or other device by which it may be led, unless such animal is being driven in harness or hauled. (Ord. 99-608, 4-8-1999)

5-3A-2: **POULTRY RUNNING AT LARGE PROHIBITED:** It shall be unlawful for any person to keep fowl or poultry unless such fowl or poultry are at all times kept upon such person's own premises. (1959 Code §6-2-2)

5-3A-3: **IMPOUNDING OF ANIMALS; FEE:** If any animal shall be found running at large contrary to the provisions of this Article, it is hereby made the duty of the Chief of Police or his designee to take up and confine the same at the Lemhi County Humane Society and such animal taken up and confined shall not be released until the owner or person entitled to the possession thereof shall pay to the Lemhi County Humane Society a fee for impounding and boarding said animal. Such fees shall be retained by the Lemhi County

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Humane Society and shall be established by resolution of the City Council. (Ord. 99-608, 4-8-1999; amd. 2007 Code)

5-3A-4: **NOTICE AND SALE OF ANIMALS:** If the owner or person entitled to the possession of an animal does not pay the charges and take it away within five (5) days from the time it is taken into custody, the Chief of Police or his designee may sell such animal at public auction after having given at least five (5) days' notice of the time and place of such sale by publishing or by posting said notice in five (5) public places in the City as well as serving a copy of said notice upon the owner or possessor, if known, of said animal. Such animal may be redeemed at any time before the date of sale by payment to the officer in charge or his or her assistant of any fees, expenses and charges herein provided. (1959 Code §6-2-4, Amd. 2007 Code)

5-3A-5: **REVENUE FROM SALE:** In case any animal sold pursuant to the provisions of this Chapter be sold for more than is sufficient to pay the fees and charges aforesaid, such excess shall, by the officer or his or her assistant making the sale, be deposited with the City Clerk, who shall pay such excess, under an order of the City Council, to the owner of such animal or animals or to the person entitled to the possession of the same upon claim and proper proof within one year from date of said sale. (1959 Code §6-2-5)

5-3A-6: **FREEING IMPOUNDED ANIMALS PROHIBITED:** It shall be unlawful to break open or in any manner, directly or indirectly, aid or assist in the breaking open any pen or enclosure with intent of releasing any animal confined therein. (1959 Code §6-2-6)

5-3A-7: **VICIOUS ANIMALS:**

Title 25, Chapter 28, of Idaho Statutes shall apply in cases of Vicious Animals. (Amd. Ord. 15-809, 10-07-15)

**CHAPTER 3
ANIMAL CONTROL
ARTICLE B. DOGS**

SECTION:

- 5-3B-1: Definitions
- 5-3B-2: Licensing
- 5-3B-3: Leash Requirements
- 5-3B-4: Muzzling
- 5-3B-5: Rabies; Notice
- 5-3B-6: Prohibited Acts
- 5-3B-7: Nuisance
- 5-3B-8: Impoundment Procedures
- 5-3B-9: Disposition Of Unclaimed Or Infected Animals
- 5-3B-10: Authority Of Animal Control Officer
- 5-3B-11: Violation An Infraction

5-3B-1: **DEFINITIONS:** The following definitions used in this Article shall mean the following, unless the context indicates otherwise:

AT LARGE: Off the premises of the owners, not confined in a vehicle and not under control by leash sufficiently strong to prevent the dog from escaping from the owner or someone representing the owner.

BREEDING OR COMMERCIAL KENNEL: A place where the owner or occupant of the property keeps at least two (2) but not more than five (5) dogs over the age of eight (8) months and is engaged in the business of breeding dogs for sale. (Ord. 04-663, 7-21-2004)

5-3B-1

5-3B-2

- DOG:** Animals of the canine family both male and female.
- NONCOMMERCIAL:** A noncommercial kennel at a private residence where at least four (4) but not more than five (5) dogs over the age of eight (8) months are kept (See exemption in paragraph 12). (Ord. 04-663, 7-21-2004, amd. Ord. 05-694, 7-6-2005)
- OWNER:** Any person or persons, firm, association, or corporation owning, keeping or harboring a dog within the corporate limits of the City. (Ord. 93-568, 11-3-1993)
- PRIMARY ENCLOSURE:** Any outside run or pen used to contain dogs. (Ord. 04-663, 7-21-2004)
- SHELTER:** Any building or structure used to shelter dogs from inclement weather, preserve their body heat and keep them dry. (Ord. 04-663, 7-21-2004)

5-3B-2: LICENSING:

A. Dog License Required:

1. License Required; Fee: On or before January 1 each year, all owners or keepers of dogs over four (4) months of age kept, harbored or maintained shall procure a license from the City Clerk and pay the assessed fee, which fee shall be set by resolution of the City Council. (Ord. 99-608, 4-8-1999)
2. Proof Of Rabies Vaccination: The owner shall present at the time application is made for such license, written proof of rabies vaccination including the age, color, sex and breed of the dog, the date of vaccination and the duration of immunity.
3. Exceptions: The provisions of this subsection shall not be intended to apply to dogs whose owners are nonresidents temporarily within the City nor to dogs brought into the City for the

purpose of participating in any dog show nor to seeing eye dogs properly trained to assist blind persons and such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

- B. Tag And Collar: Upon payment of the license fee, the owner of a dog will be issued a license certificate and metallic tag. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed and worn constantly. In case a dog tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of a fee that shall be set by resolution for each duplicate. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the City before expiration of the license period. (Ord. 87-509, 6-1-1987, amd. 2007 Code; amd. Ord. 15-809, 10-07-15)
- C. 1. License Required: It shall be unlawful to keep, maintain, harbor or possess upon the premises of any household or business any number of dogs that fall within the kennel definitions of Section 5-3B-1, BREEDING OR COMMERCIAL KENNEL AND HOBBY KENNEL unless and until the owner or person in charge thereof shall have obtained a kennel license. In no event shall any dog kennel owner keep more than five (5) adult dogs over the age of eight (8) months on the licensed premises. The fee for such kennel license shall be fixed by resolution of the City Council and shall be issued only after compliance with existing zoning requirements and approval of the City Council and the Lemhi County Humane Society. Said fee is in addition to the tag and collar fee outlined in Section 5-3B-2, B. No license to operate a kennel shall be issued to anyone who has been convicted of cruelty to animals. (Ord. 99-608, 4-8-1999, amd. Ord. 04-663, 7-21-2004)
2. License Valid For: The dog kennel license is valid for twelve (12) months from the date of issue. Application for a renewal license must be received by the City at least sixty (60) days prior to the expiration of the license. (Ord. 04-663, 7-21-2004)
3. Application for License: The application for a kennel license must contain a written statement from a licensed veterinarian stating that all animals listed on the kennel license application are current on all shots and are in good health with no contagious diseases and that every animal is receiving adequate care. Once

the City Clerk has received said application, the City Clerk will set a public hearing at the next regularly scheduled City Council meeting in order to receive public input. (Ord. 04-663, 7-21-2004)

4. Renewal: If after one year no complaints are documented, the City Clerk shall have the authority to renew the application without notice and hearing. Should there be documented complaints against the particular kennel, the original licensing procedure must be followed. (Ord. 05-694, 7-6-2005)

5. Public Notices: All notices to the public, including but not limited to, advertisements, flyers, posters and all other media venues, of animals for sale shall contain the kennel license number required under this ordinance. (Ord. 04-663, 7-21-2004)

6. Exemptions: The Lemhi County Humane Society Animal Shelter shall be exempt from all kennel license fees. Veterinary hospitals and grooming establishments shall be exempt from all license fees unless engaged in commercial breeding. (Ord. 04-663, 7-21-2004)

7. Kennels as Primary Enclosures and Shelters: All outside runs, pens or other containment areas shall be screened from view. There shall be a minimum of fifteen (15) feet side and rear ~~set~~ setback for runs, pens or other containment areas and no animals shall be housed within the front yard setback area. All buildings or structures shall conform to state and local building and zoning codes and will be kept clean, dry and in sanitary condition. All interior building or structure surfaces shall be constructed and maintained so that they are water resistant, have sufficient bedding material and can easily be sanitized. All outside runs, pens or other containment areas shall be maintained in a manner to protect the dogs from direct sunlight, allow for adequate ventilation and temperature control and be constructed in a manner to provide for proper containment of the animal. Dogs may not be housed on a temporary or permanent basis in a drum or barrel, regardless of the material of which the drum or barrel is constructed. (Ord. 04-663, 7-21-2004)

8. Kennel Structure Specifications: The interior height of all structures shall be at least six (6) inches higher than the head of the tallest dog in the shelter when it is in normal standing position. Primary enclosures shall be constructed and maintained to provide sufficient space to allow each dog to turn about freely and to stand erect, sit and lie down in a comfortable normal position. The

structure shall afford each dog sheltered therein at least twenty-five (25) square feet for a dog weighing twenty five (25) pounds or less, fifty (50) square feet for a dog weighing between twenty-six (26) and forty-five (45) pounds and one-hundred (100) square feet for a dog weighing more than forty five (45) pounds. Each bitch with nursing puppies shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices as determined in advance and in writing by the attending veterinarian. (Ord. 04-663, 7-21-2004)

9. Food, Water and Bedding Requirements: Dogs kept in kennels shall be fed at least once a day. The food shall be free from contamination, shall be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirement for the condition and size of the dogs, unless the owner has a written letter from a licensed veterinarian stating otherwise. Fresh water is to be available at all times. Water receptacles shall be mounted or secured in a manner that prevents tipping. Food and water receptacles shall be accessible to dogs kept in the kennel and shall be located to avoid contamination. All bedding shall be kept clean, dry and free of contamination and excreta. (Ord. 04-663, 7-21-2004)

10. Sanitation: Excreta shall be removed from the primary enclosure and shelter, including any floor area or ground surface on a daily basis including under the shelter. Primary enclosures, shelters and under shelters shall be sanitized and disinfected a minimum of once daily and as often as necessary to prevent an accumulation of debris or excreta or a disease hazard. A dog may not be placed in a primary enclosure or shelter previously occupied unless the enclosure or shelter has been sanitized. (Ord. 04-663, 7-21-2004)

11. Violation: It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by this Section. Said violation may result in revocation of the kennel license and/or impoundment of animals at the owner's cost. Violations are hereby declared to be an infraction. (Ord. 04-663, 7-21-2004; amd. Ord. 15-809, 10-07-15)

12. A noncommercial kennel owner having more dogs than this ordinance allows at the time of the enactment of this ordinance and who affirms the same within forty-five (45) days from the effective date of this ordinance with the City Clerk, may keep said number of

dogs as a noncommercial kennel upon the following conditions: Said dogs may not be replaced at death or removal for any other cause. Eventually the number of dogs shall be reduced to not more than five (5) dogs. The owner must be licensed. (Ord. 04-663, 7-21-2004)

- D. **Unlicensed Dogs:** It shall be unlawful for any person to keep, harbor, or maintain, or feed any dog for which no license fee has been paid, or upon which no tag has been placed. The Animal Control Officer shall have the authority to take up and impound any dog not so licensed and tagged. (Ord. 87-509, 6-1-1987)

5-3B-3: LEASH REQUIREMENTS:

- A. **Leash Required:** It shall be unlawful for any dog to run loose off of the owner's property or other private property where the dog is normally kept. When any dog is off of its owner's property or other private property where the dog is kept, said dog shall be properly secured by a leash in the hands of a person able to control the dog. It shall be unlawful for any dog owner or party in control of any dog to allow said dog to run loose off of said owner's property or to fail to have said dog properly secured by a leash when on public property. (Ord 87-509, 6-1-1987)
- B. **Failure To Have Leash:** Any dog or cat not secured by a leash, or not securely confined upon privately owned property, or in a City-owned park area designated as allowing dogs to run free and so marked by signs installed by the City, may be taken and impounded by the Animal Control Officer. (Ord. 99-608, 4-8-1999)

5-3B-4: MUZZLING: Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he or she deems necessary shall issue a proclamation ordering every person owning or keeping a dog to confine securely on his or her premises unless such dog shall have on a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs so noticeably infected with rabies and displaying vicious propensities shall be killed by the order of the Chief of Police without notice to the owner. Dogs impounded during the first two (2) days of such proclamation shall, if claimed within five (5) days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for herein. If unclaimed after that period, such dog may be summarily destroyed. (Ord. 87-509, 6-1-1987)

5-3B-5: RABIES; NOTICE:

- A. **Suspicion Of Rabies:** If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined and shall be placed under the observation of a veterinarian at the expense of the owner for a period of two (2) weeks. The owner shall notify the Animal Control Officer of the fact that his or her dog has been exposed to rabies and at his or her discretion the Animal Control Officer is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two (2) weeks at the expense of the owner.
- B. **Removal From City Prohibited:** It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his or her premises or beyond the limits of the City without the written permission of the Animal Control Officer or Chief of Police or his. Every owner, or other person, upon ascertaining a dog is rabid shall immediately notify the Animal Control Officer or a police officer who shall either remove the dog to the animal shelter or summarily destroy it. (Ord. 87-509, 6-1-1987, amd. 2007 Code)

5-3B-6: PROHIBITED ACTS:

- A. **Running At Large:** It shall be unlawful for the owner, keeper, or harbinger or any other person having the care, custody or control of any dog to permit such dog to run at large within the City at any time.
- B. **Dogs In City Park:** It shall be unlawful for dogs to be in the City Park at any time out of any vehicle whether on or off a leash, tether or tie. (Ord. 87-509, 6-1-1987)
- C. **Dogs Unrestrained In Parked Vehicle or Conveyance:** It shall be unlawful for any dog to be allowed in any parked vehicle or conveyance unless restrained in such a fashion to prevent the animal from extending beyond the confine of the vehicle or conveyance or from posing a danger to pedestrians. (Ord.03-652, 8-6-2003)

5-3B-7: NUISANCE:

- A. **Destruction Of Property:** No owner will allow a dog or cat to become a nuisance or destroy property of others, and any police officer or the Animal Control Officer may notify an owner upon investigation of a sworn complaint against the owner of any animal that said animal is a nuisance or has destroyed property other than the owner's, that the said owner or person in control of said animal

must confine said animal to leash or kennel. (Ord. 99-608, 4-8-1999)

- B. **Biting, Chasing Or Barking:** A dog that bites or chases persons not trespassing on the property of, or injuring or attempting to injure the person, family or property of the owner may be declared a public nuisance. In addition any dog that chases vehicles in public streets, or howls, yelps or barks for prolonged periods, or by any other means causes annoyance or disturbances may be declared a public nuisance.
- C. **Harboring Nuisance Prohibited:** It is unlawful for any person to own, harbor, keep or maintain any such nuisance animal.
- D. **Filing Of Complaint:** Any person aggrieved by a nuisance animal may file a complaint in the Magistrate Court charging the owner with a violation of this Section. (Ord. 93-568, 11-3-1993)
- E. **Authority Of Animal Control Officer:** The Animal Control Officer shall have the authority to take up and impound any dog or cat declared a nuisance by the Magistrate Court. (Ord. 99-608, 4-8-1999)
- F. **Violation:** It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by this Section and said violation is hereby declared to be an infraction. (Ord. 93-568, 11 -3-1993; amd. Ord. 15-809, 10-07-15)

5-3B-8: IMPOUNDMENT PROCEDURES:

- A. **Unlicensed, Untagged Dog Running At Large:** It shall be the duty of the Animal Control Officer to impound dogs not wearing a license tag or dogs with tags that are running at large.
- B. **Licensed, Tagged Dog Running At Large:** Whenever any dog wearing a license tag is impounded, the Animal Control Officer shall immediately notify the owner thereof. No dog shall be released to the owner until payment of all monies due to the animal shelter as prescribed by resolution of the City Council. (Ord. 87-509, 6-1-1987)

5-3B-9: DISPOSITION OF UNCLAIMED OR INFECTED ANIMALS:

- A. **Retention Of Animals:** It shall be the duty of the Animal Control Officer to keep all animals so impounded for a period of three (3) days.
- B. **Unredeemed Animals:** If at the expiration of three (3) days from the

5-3B-09

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date of notice to the owner the animal shall not have been redeemed, it may be destroyed. Any animal which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be forthwith destroyed. (Ord. 99-608, 4-8-1999)

5-3B-10: **AUTHORITY OF ANIMAL CONTROL OFFICER:** The Animal Control Officer shall have the right to arrest and cause to be arrested any person, and to serve summons, warrants of arrest and notices to appear upon any person who violates any provisions of this Article or laws of the City relating to dogs or other animals; and the Animal Control Officer shall have all necessary police powers incident to such authority. (Ord. 87-509, 6-1-1987)

5-3B-11: **VIOLATION AN INFRACTION:** It shall be unlawful for any person to commit any act or fail to perform any requirement which is prohibited or required by this Article, and said violation is hereby declared to be an infraction. (Ord. 87-509, 6-1-1987; amd. Ord. 15-809, 10-07-15)

CHAPTER 3
ANIMAL CONTROL
ARTICLE C. LIVESTOCK; WILD ANIMALS

SECTION:

- 5-3C-1: Permit
- 5-3C-2: Inspection
- 5-3C-3: Running at Large Prohibited
- 5-3C-4: Cruelty to Animals Prohibited
- 5-3C-5: Impoundment
- 5-3C-6: Request for Hearing and Appeal
- 5-3C-7: Penalty

5-3C-1: **PERMIT:**

- A. Permit Required: It shall be unlawful for any person to keep any horse, cow, sheep or wild animal, wild bird or reptile for which the owner has a permit issued by the Director of the Idaho State Department of Fish and Game without first obtaining a permit to do so from the City, and in any event, it shall be unlawful for any person to keep any mink, male goat over the age of six (6) months, pig, or wild animal, wild bird or reptile for which no permit has been issued by the Director of the Idaho State Department of Fish and Game under any circumstances. No person shall possess, own, or harbor a "miniature potbellied pig" unless and until obtaining a license from the City of Salmon for such animal in accordance with this chapter. Only two miniature potbellied pigs may be maintained or licensed at any single address or premises. Said license may be issued upon payment of the license fee, proof of required vaccinations and upon proving compliance with the standards established by this code. Any such potbellied pig shall be subject to the care, control, and licensing requirements established for dogs by the City Code. "Person" includes for purposes of this

Article any individual, firm, corporation, trust, any other organized group, or any government. (Ord. 86-497, 6-2-86; amd. Ord 08-729, 6-04-2008)

- B. Promulgation of Regulations: The City shall promulgate regulations for the issuance of permits and shall include requirements for humane care of livestock and for compliance with the provisions of this Article and other applicable law. Said regulations may be amended from time to time as deemed desirable for public health and welfare and for the protection of animals.
- C. Application; Fee: Persons desiring a permit shall file an application with the City Clerk, on a form provided by the City, and a permit shall be issued upon compliance with this Article, regulations promulgated hereunder, and upon payment of the application fee set by said regulations.
- D. Term: The term of said permit shall be from January 1 to January 1 of the following year. It shall be the responsibility of the permittee to obtain a new permit annually within thirty (30) days of the expiration date.
- E. Denial or Revocation of Permit: Issuance of a permit may be denied, or an existing permit may be revoked, in the event the permittee or applicant fails to comply with this Article, any regulations promulgated hereunder, or any law governing the protection and keeping of animals. Withholding or falsifying information on an application for a permit shall constitute grounds for refusal to issue a permit, or revocation thereof.
- F. Exception: The provisions of this Article shall not be intended to apply to animals whose owners are nonresidents temporarily in the City, nor to animals brought to the City and kept therein for purposes of rodeo, fair, livestock show, exhibition or any other recognized performance. "Temporary" shall be defined as not to exceed ten (10) successive days. (Ord. 83-472, 12-19-83, eff. 1-1-84; 1995 Code)

5-3C-2: **INSPECTION:** Permits shall not be issued hereunder prior to inspection and approval of the premises where livestock are to be kept. (Ord. 83-472, 12-19-83. eff. 1-1-84)

5-3C-3: **RUNNING AT LARGE PROHIBITED:** It shall be unlawful for any person owning livestock or having control or possession of said livestock to allow the same to run at large within the City. (Ord. 83-472, 12-19-83, eff. 1-1-84)

5-3C-4

5-3C-6

5-3C-4: **CRUELTY TO ANIMALS PROHIBITED:** No owner, or custodian of an animal, shall fail to provide such animal with good and wholesome food and water, proper shelter and protection from the elements, veterinary care and humane care and treatment sufficient to maintain said animal in good health. (Ord. 83-472, 12-19-83, eff. 1-1-84)

5-3C-5: **IMPOUNDMENT:**

- A. Notice, Redemption, Fee: All animals kept or maintained in a manner unlawful under this Article shall be impounded by the City and maintained in a humane manner. The City shall notify the owner or custodian of the animal impounded of the impoundment, and said owner or custodian may recover possession of said animal upon payment to the City of fees and costs as set forth in this Article or otherwise. Notice shall be served personally, where practical, by certified United States mail, or by posting such notice to abate on the premises. Return of service shall be made as provided by law for returns of personal service.
- B. Failure to Redeem: Upon failure by the owner or custodian to pay fees and costs as required, or to take possession of such animals within five (5) days after service of notice, the animal may be disposed of by delivering said animal to any person who will pay the fees and costs, by destroying such animal in a humane manner, or by selling the animal at public auction to satisfy costs of impoundment. Receipts in excess of impoundment costs shall be paid to the owner or custodian.
- C. Recovery of Possession: One claiming possession of an impounded animal may recover possession by exhibiting satisfactory proof of ownership and paying the fees set by the Humane Society with City Council approval. (Ord. 83-472, 12-19-83, eff. 1-1-84; 1995 Code)

5-3C-6: **REQUEST FOR HEARING AND APPEAL:** Any person refused a permit, or whose permit has been revoked may have a hearing with the officer ordering the denial for revocation. A request for hearing must be made in writing and delivered to the office ordering the denial or revocation within thirty (30) days of the denial or revocation. At the conclusion of the hearing, the hearing officer shall render a written decision as to whether the denial or revocation was appropriate. An appeal from this decision may be had by immediately filing

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a written notice with the hearing officer. This appeal will be heard before the City Council. (Ord. 83-472, 12-19-83, eff. 1-1-84; 1995 Code)

5-3C-7: **PENALTY:** Anyone violating any of the provisions of this Article shall, upon conviction, be subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 83-472, 12-19-83, eff. 1-1-84; 1995 Code)

CHAPTER 4
ABANDONED AND INOPERATIVE VEHICLES

SECTION:

- 5-4-1: Title
- 5-4-2: Definitions
- 5-4-3: Storing, Parking or Leaving Vehicles Prohibited; Nuisance; Exceptions
- 5-4-4: Investigation of Premises
- 5-4-5: Notice to Remove
- 5-4-6: Responsibility for Removal
- 5-4-7: Notice Procedures
- 5-4-8: Request for Hearing
- 5-4-9: Removal of Vehicle from Property
- 5-4-10: Disposition of Vehicles
- 5-4-11: Redemption of Impounded Vehicles
- 5-4-12: Immunity from Damages
- 5-4-13: Liability of Owner or Occupant
- 5-4-14: Penalty

5-4-1: **TITLE:** This Chapter shall be known and may be cited as the ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE MOTOR VEHICLE ORDINANCE OF THE CITY. (1995 Code)

5-4-2: **DEFINITIONS:** For the purpose of this Chapter, the following terms, phrases, words and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

CITY: The City of Salmon, County of Lemhi, State of Idaho.

5-4-2

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JUNKED VEHICLE: Any vehicle, as defined herein, which does not have lawfully affixed thereto both an unexpired license plate or plates and a current safety inspection certificate if such is required by law and the condition of which is wrecked, dismantled, partially dismantled, inoperative, abandoned or discarded.

PERSON: Any person, firm, partnership, association, corporation, company or organization of any kind.

PRIVATE PROPERTY: Any real property within the City which is privately owned and which is not public property as defined in this Section.

PUBLIC PROPERTY: Any street, which shall include the entire width between the boundary lines of every way publicly maintained for the purposes of vehicular travel, and shall also mean any other publicly-owned property or facility.

VEHICLE: Every device in, upon or by which any person or property is or may be transported or drawn upon a street or highway and shall include, but not be limited to, automobiles, buses, motorbikes, motorcycles, motor scooters, trucks, tractors, go-carts, golf carts, campers and trailers, and railroad engines, rolling stock, cabooses and utility cars. (1995 Code)

**5-4-3: STORING, PARKING OR LEAVING VEHICLES
PROHIBITED; NUISANCE; EXCEPTIONS:**

A. Prohibited: No person shall park, store, leave or permit the parking, storing or leaving of any vehicle of any kind which is in an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled condition, whether attended or not, upon any public property within the City for a period of time in excess of seventy two (72) hours. The presence of an abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or parts thereof on public property is hereby declared a public nuisance which may be abated as such in accordance with the provisions of this Chapter.

- B. **Public Nuisance Declared:** It shall be unlawful for any person owning or having custody of any abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle to store or permit any such vehicle or accessories to remain on any private property within the City for a period of more than thirty (30) days after the receipt of a notice requiring such removal, and it shall be further unlawful for any person owning any private property within the City to store or to permit to remain any such vehicle or accessories on his or her property for more than a like period. Such storage is declared to be a public nuisance and may be abated as such in accordance with the provisions of this Chapter.
- C. **Exclusion:** This Section shall not apply to any vehicle or vehicle accessories stored within an enclosed building or enclosed behind a privacy fence where such vehicles or accessories are not visible from any public property or adjacent private property or on the premises of a business enterprise operated in a lawful place and manner when necessary to the operation of such business enterprise, in a storage place or depository maintained in a lawful place and manner, or seasonal use vehicles such as snowmobiles, motorcycles, motor scooters and nonmotorized campers, or to any motor vehicle in operable condition specifically adapted or designed for operation on drag strips or raceways or any vehicle retained by the owner for antique collection purposes. Such business enterprises shall include auto junk yards, auto repair and auto body shops but shall not include automobile service stations or tire, battery and accessory sales stores. (1995 Code)

5-4-4: **INVESTIGATION OF PREMISES:** Any City police officer or the Lemhi County Sheriff or one of his or her duly constituted deputies and/or any authorized City employee or agent on routine inspection or upon receipt of a complaint may investigate a suspected abandoned, wrecked, dismantled, inoperative, rusted, junked or partially dismantled vehicle or vehicle accessories and record the make, model, style and identification numbers and its situation. (1995 Code)

5-4-5: **NOTICE TO REMOVE:**

- A. **Notice to Property Owner or Occupant:** Whenever it comes to the attention of the City that any nuisance (junked vehicle), as defined in Section 5-5-2 of this Chapter, exists in the City, a notice, in writing, shall be served upon the occupant of the land where the nuisance exists or, in case there is no such occupant, then upon the owner of the property or his or her agent, notifying them of the

existence of the nuisance and requesting its removal in the time specified in this Chapter.

- B. **Affixing Notice to Vehicle:** In the case of vehicles in violation of Section 5-5-3 of this Chapter, such notice shall be affixed to the vehicle in a conspicuous place and manner. (1995 Code)

5-4-6: **RESPONSIBILITY FOR REMOVAL:** Upon proper notice and opportunity to be heard, the owner of the abandoned, wrecked, dismantled or inoperative vehicle and the owner or occupant of the private property on which the same is located, either or all of them, shall be responsible for its removal. In the event of removal and disposition by the City, the owner or occupant of the private property where the same is located shall be liable for the expenses incurred. (1995 Code)

5-4-7: **NOTICE PROCEDURES:**

- A. Action on Violation:

1. If action is to be taken for a violation of subsection 5-5-3B of this Chapter, the City shall give notice of removal to the owner or occupant of the private property where it is located at least thirty (30) days before the time compliance is required. It shall constitute sufficient notice when a copy of same is posted in a conspicuous place upon the private property on which the vehicle is located, and duplicate copies are sent by registered or certified mail to the owner or occupant of the private property at his or her last known address.

2. If action is to be taken for a violation of subsection 5-5-3A of this Chapter, removal of the violating vehicle shall not occur until after the end of the third full working day after notice has been posted upon the offending vehicle.

- B. **Contents of Notice:** The notice shall contain a request for removal within the time specified in this Chapter, and the notice shall advise that upon failure to comply with the notice to remove, the City or its designee shall undertake such removal with the cost of removal to be levied against the owner or occupant of the property. (1995 Code)

5-4-8: **REQUEST FOR HEARING:** The persons to whom the notices are directed, or their duly authorized agents, may file a written request for hearing before the Mayor and City Council within the thirty (30) day period of compliance prescribed in subsection 5-5-3B of this Chapter for the purpose of defending the charges by the City. (1995 Code)

5-4-9: **REMOVAL OF VEHICLE FROM PROPERTY:**

- A. Removal by Law Enforcement: If the violation of subsection 5-4-3B of this Chapter described in the notice has not been remedied within the thirty (30) day period of compliance, or in the event a notice requesting a hearing is timely filed, a hearing is had and the existence of the violation is affirmed by the Mayor and City Council, the City police or the Sheriff of Lemhi County or his or her designee shall have the right to take possession of the targeted vehicle and remove it from the premises. It shall be unlawful for any person to interfere with, hinder or refuse to allow such person to enter upon private property for the purpose of removing a vehicle under the provisions of this Chapter.
- B. Notice of Impoundment: Within forty eight (48) hours of the removal of any vehicle pursuant to the provisions above, the City shall give notice to the registered owner of the vehicle, if known, and also to the owner or occupant of the private property from which the vehicle was removed that said vehicle has been impounded and stored for violation of this Chapter. This notice shall give the location of where the vehicle is stored and the costs incurred by the City for removal. (1995 Code)

5-4-10: **DISPOSITION OF VEHICLES:** Upon removing a vehicle under the provisions of this Chapter, the City shall cause the vehicle to be disposed of in accordance with the provisions of chapter 18, title 49 of the Idaho Code entitled "Abandoned Motor Vehicles". (1995 Code)

5-4-11: **REDEMPTION OF IMPOUNDED VEHICLES:** The owner of any vehicle seized under the provisions of this Chapter may redeem such vehicle at any time after its removal but prior to sale or destruction thereof on proof of ownership and payment to the City of such sum as the City may determine and fix for the actual and reasonable cost of removal and storage and any preliminary sale advertisement expenses, plus ten dollars (\$10.00) a day for administrative expenses. (1995 Code)

5-4-12: **IMMUNITY FROM DAMAGES:** The Sheriff, deputy sheriff and any police officer, towing service owner, operator or employee shall not be held to answer or be liable for damage in any action brought by the registered owner or his or her legal representative or any person legally entitled to the possession of a vehicle removed and impounded, when the vehicle was processed and sold or disposed of as provided by this Chapter. (1995 Code)

5-4-13: **LIABILITY OF OWNER OR OCCUPANT:** Upon the failure of the owner or occupant of property from which vehicle have been removed pursuant to this Chapter to pay the unrecovered expenses incurred in such removal, a lien shall be placed upon the property for the unrecovered amount of such expense. Such lien shall be placed by the recording of a notice of lien in the office of the County Recorder of Lemhi County, with a copy of the notice of lien to be mailed to the property owner at his or her last known address. (1995 Code)

5-4-14: **PENALTY:** Any person violating any provision of this Chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to penalty as provided in Section 1-4-1 of this Code. (1995 Code)

CHAPTER 5
CURFEW

SECTION:

- 5-5-1: Age Limitations, Hours Of Curfew
5-5-2: Parental Responsibility

5-5-1: **AGE LIMITATIONS, HOURS OF CURFEW:**

- A. From and after the effective date hereof, it shall be unlawful for any person of the age of seventeen (17) years or younger to loiter, stroll or drive upon the streets, alleys, avenues, parks or other places within the City after the hour of eleven o'clock (11:00) P.M. and before the hour of five o'clock (5:00) A.M. unless accompanied by a parent, legal guardian or other adult person having authority to accompany said person or unless said minor person is en route directly to or from an authorized activity connected with the public school, a church, civic organization or place of work.
- B. Any police officer or other law enforcement officer is hereby authorized and empowered to take charge of any person seventeen (17) years of age or under violating the provisions of this Section, and it shall be the duty of such officers to take such person into custody, and notify immediately the parent, legal guardian or adult person having the care and custody of such minor of the violations of the terms of this Section and to inform said person that the minor will be held in an authorized holding facility or any other lawful place of detention until called for by such parent, legal guardian or legal custodian. (Ord. 95-584, 8-2-95)

5-5-2: **PARENTAL RESPONSIBILITY:**

- A. It shall be unlawful for any parent, legal guardian or other adult person having legal care and custody of any minor person of the age of seventeen (17) years or younger to allow or permit such person to act in violation of the provisions of this Section.

- B. It shall be unlawful and shall be considered a separate offense under this provision for any parent, legal guardian or other adult person having the legal care and custody of any person of the age of seventeen (17) years or younger to refuse, after being notified to do so by the police or law enforcement officer, to come immediately to the place of custody and take charge of such minor.
- C. Any minor person seventeen (17) years or younger, any parent, legal guardian or other person having legal care and custody of such minor person violating the provisions of this Section shall be deemed guilty of a misdemeanor and subject to penalty as provided in Section 1-4-1 of this Code. (Ord. 95-584, 8-2-95)