

**ORDINANCE NO. 696
CITY OF AMMON**



**AN ORDINANCE OF THE CITY OF AMMON, IDAHO,
PROHIBITING THE SALE OF DOGS AND CATS IN RETAIL
STORES; PROHIBITING THE SALE OF ANIMALS IN PUBLIC
PLACES; AMENDING EXISTING ANIMAL REGULATIONS;
PROVIDING FOR SEVERABILITY CLAUSE; AND
PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Idaho Code 50-302 authorizes the City Council to adopt ordinances to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry; and

WHEREAS, Idaho Code 50-319 authorizes the City Council to regulate the running at large of domesticated animals and appropriately establish penalties for allowing domesticated animals to run at large; and

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

WHEREAS, the City of Ammon 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 of Ammon ; and

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

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

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

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

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF AMMON:

Section 1. Section 5-3-18 of the Codified Ordinances of the City of Ammon is repealed in its entirety and replaced with the following language:

5-3-18 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 in the City of Ammon, except for dogs and cats obtained from an animal shelter, humane society, or non-profit animal rescue organization 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) All establishments lawfully selling, or boarding for the purpose of eventual sale, dogs or cats shall maintain a certificate of source for each of the animals and make it available upon request to enforcement officers, law enforcement, or any other City employee charged with enforcing the provisions of this section.

(C) This Section shall not apply to the sale of dogs or cats from the premises on which they were bred and reared.

Any violation of this section shall be deemed a misdemeanor.

Section 2. Section 5-3-19 of the Codified Ordinances of the City of Ammon is adopted with the following language:

5-3-19 SALE OF 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. The term public place shall include, but is not limited to, parks, streets, alleys, highways, sidewalks, parking lots, areas exterior to shops or businesses, carnivals, or other public rights-of-way within the City.

(B) The prohibitions of this section shall not apply when the transfer of ownership is conducted by an enforcement officer, law enforcement, or any other City employee charged with enforcing the provisions of this section, animal shelter or a non-profit animal rescue organization.

(C) This Section shall not apply to the sale of dogs or cats from the premises on which they were bred and reared.

Any violation of this section shall be deemed a misdemeanor.

Definitions. For the purposes of this section, the following words shall have the following meanings:

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 City 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 that breeds animals.

Animal Shelter- 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.

Pet Store- A retail store where animals are kept, sold, or offered for sale on the premises. This term shall include any owner or operator of the business. An animal rescue organization or animal shelter, as defined in this section, shall not be considered a pet store.

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

Section 3. Section 5-3-20 of the Codified Ordinances of the City of Ammon is adopted with the following language:

5-3-20: PENALTY:

(A) **INFRACTION:** Any violation of the provisions of this chapter deemed to be an infraction shall be subject to penalties prescribed for such violations under section 1-4-2 of this code, subject to the provisions of Idaho Code 18-111. Each day of the violation shall be considered a separate offense and shall be punishable by separate fines and imprisonment as provided for herein.

(B) **MISDEMEANOR:** Any violation of the provisions of this chapter deemed to be a misdemeanor shall be subject to penalties prescribed for such violations under section 1-4-1 of this code, subject to the provisions of Idaho Code 18-111 and shall, upon conviction, be punished in accordance with section 25-3520A, Idaho Code.

Section 4: REPEALER CLAUSE. All City of Ammon Ordinances or parts thereof which are in conflict herewith are hereby repealed.

Section 5: SEVERABILITY CLAUSE. It is hereby declared to be the legislative intent that the provisions and parts of this Ordinance shall be severable. If any paragraph, part, section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid for any reason by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 6: PUBLICATION. This Ordinance, or a summary thereof in compliance with Section 50-901A, Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

Section 7: EFFECTIVE DATE. This Ordinance shall be in full force and effect after its passage, approval and publication according to law.

PASSED by the CITY COUNCIL and APPROVED by the MAYOR of Ammon, Idaho on this 5 day of January, 2023.

This ordinance entitled Ordinance No. 696 shall be effective upon its passage and publication as provided by law.

Enacted by the City Council as Ordinance No. 696 an ordinance of the City of Ammon on the 5 day of January, 2023.

CITY OF AMMON

Sean Coletti, Mayor

ATTEST:

Kristina Buchan, City Clerk