

ORDINANCE NUMBER 1269

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO,
AMENDING SECTION 6.08.080 (A)(1.)(a.)(iii) OF THE PAYETTE MUNICIPAL CODE
REDEFINING PIT BULL; REPEALING CONFLICTING ORDINANCES; ALLOWING
PUBLICATION BY SUMMARY; SETTING AND EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PAYETTE, IDAHO:

SECTION 1: Section 6.08.080 (A)(1.)(a.)(iii) is hereby amended as follows:

6.08.080 Vicious Dogs--Animals:

A. Definitions:

1. a. "Vicious" dog as the term is used in this Section means:
 - i. Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
 - ii. Any dog which attacks a human being or a domestic animal without provocation; or
 - iii. ~~Any pit bull terrier which is defined as any Staffordshire bull terrier breed of dog or any mixed breed of dog which contains pit bull as an element of its breeding, the breed of Staffordshire bull terrier or American Staffordshire terrier as to be identifiable as partially of the breed of Staffordshire bull terrier or American Staffordshire terrier by a qualified veterinarian duly licensed as such by the State of Idaho.~~
 - iv. Any dog which is kept with the intention of using its size, manner, disposition or breeding to instill fear in others; or any dog which is bred for the purpose of fighting.
- b. "Fierce" or "vicious animal" as the term is used in this Section means:
 - i. For the purpose of this Section, the term "vicious animal" or "fierce animal" shall mean any other animal, including dogs, that without intentional provocation, bites or attacks humans or other animals; or in a vicious or terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated.
 - ii. A vicious dog is "unconfined" as the term is used in this Section if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the person described in subsection B hereof. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet. Said pen or structure shall be sufficiently secure to keep other persons from releasing the enclosed animal.

SECTION 2: If any portion of this Ordinance is found to be unenforceable or unconstitutional for any reason, the remaining portion of this Ordinance shall remain in full force and effect.

SECTION 3: Any portions of any existing Ordinances which are in conflict with this Ordinance are hereby repealed insofar as the conflict exists.

SECTION 4: This ordinance may be published in summary form.

SECTION 5: This Ordinance shall take effect and be in full force and effect after its adoption and publication as required by law.

BE IT ORDAINED AND RESOLVED THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER ITS APPROVAL, PASSAGE, AND PUBLICATION AS REQUIRED BY LAW.

SIGNED and DATED this 6th day of SEPTEMBER, 2006.

CITY OF PAYETTE

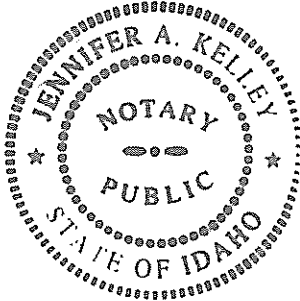
by *Douglas E. Henderson*
Douglas E. Henderson, Mayor

Attest:

Mary Cordova
Mary Cordova, City Clerk

State of Idaho)
) ss.
County of Payette)

On this 5th day of September, in the year of 2006, before me Jennifer A. Kelley, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose name is subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.



Jennifer A. Kelley
Notary Public For Idaho
Residing at: *Payette ID*
Commission expires: *12-11-2008*