

1077203

ORDINANCE NO. 739

**AN ORDINANCE REPEALING THE EXISTING TITLE 6 OF THE MILLS MUNICIPAL CODE DEALING WITH ANIMALS AND REPLACING IT, IN ITS ENTIRETY, WITH A NEW CHAPTER 6 DEALING WITH ANIMALS**

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERING BODY OT THE TOWN OF MILLS, WYOMING, THAT THE MILLS MUNICIPAL CODE IS HEREBY AMENDED AS FOLLOWS:**

The following text attached hereto and fully incorporated herein is adopted in it is entirety, on the date set forth below, and which, further repeals, in its entirety, Title 6 of the Mills Municipal Code, that existed prior to the date below listed, with the newly adopted ordinance, which replaces Title 6 of the existing Mills Municipal Code in the form attached hereto.

PASSED ON FIRST READING THE 14<sup>th</sup> DAY OF January 2020.

PASSED ON SECOND READING THE 20<sup>th</sup> DAY OF January 2020.

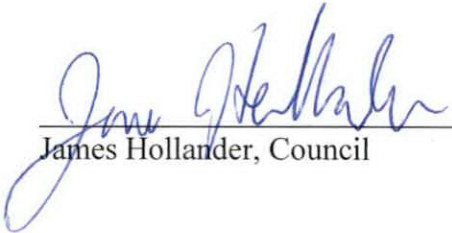
PASSED, APPROVED AND ADOPTED ON THRID AND FINAL READING THE 11<sup>th</sup> DAY OF February 2020.

  
Seth Coleman, Mayor

  
Christine Trumbull, Town Clerk

  
Darla, R. Ives, Council

  
Sara McCarthy, Council

  
James Hollander, Council

  
Ronald Wales, Council





# **Title 6**

## **ANIMALS**

### **Chapters:**

- 6.01 General Provisions**
- 6.02 Animal Control Officers**
- 6.03 Registration**
- 6.04 Animal Bites and Attacks**
- 6.05 Rabies Control**
- 6.06 Impoundment**
- 6.07 Livestock and Bees**
- 6.08 Penalties**

### **Chapter 6.01**

#### **GENERAL PROVISIONS**

### **Sections:**

- 6.01.010 Definitions.
- 6.01.020 Jurisdiction.
- 6.01.030 Animal or livestock annoyances.
- 6.01.040 Sanitary enclosures.
- 6.01.050 Diseased animals.
- 6.01.060 Animals in public places.
- 6.01.070 Restraint of animals.
- 6.01.080 Humane animal care.
- 6.01.090 Cruelty to animals.
- 6.01.100 Protective custody.
- 6.01.110 Live animal traps.
- 6.01.120 Severability.

#### **6.01.010 Definitions.**

For the purposes of this title, the following definitions of terms used shall apply in all cases, unless otherwise stated:

“Animal” means vertebrate domestic or domesticated members of the Animalia kingdom unless otherwise provided by this title.

“Animal Control Board” wherever used in these ordinances, shall consist of a board made up of the Mayor of the Town of Mills, the Animal Control Facility Manager, and the Veterinarian who is providing services to the Town of Mills under these provisions, the latter of which shall serve by appointment of the Mayor. The board shall make its decisions by consensus and the Mayor shall vote to break any tie votes should they occur.

“Animal Control Office” means the agency having authority (including agencies authorized by contract with the Town) for enforcement of the animal control provisions of this title and of all animal shelters maintained at Town expense, including the expense of contract services provided to the Town. The Animal Control Office may be another agency of the Town of Mills.

“Animal control shelter” means any premises designated for the purpose of impounding and caring for animals impounded pursuant to this title. Animal Control Facility shall have the same meaning.

“Annoyance” means an actual interference with the sleep, work or reasonable right to peace, safety, or privacy of a person.

"Apiary" shall mean a place where bee colonies are kept.

"Bee" shall mean any stage of the common domestic honeybee, *Apis Mellifera* species.

“Canid hybrid” means an owned offspring of a wild member of the genus and the family *Canidae* bred to a member of the genus and species *Canis familiaris*. The offspring of a canid hybrid bred with a wild member of the family *Canidae*, another canid hybrid, or a member of the genus and species *Canis familiaris* is also a canid hybrid. Canid hybrids are domesticated animals.

“Cat” means a member of the genus and species *Felis silvestris catus* or *Felis catus*.

“Cattery” means any premises used for breeding, buying, selling, keeping or boarding five or more cats over the age of six months, whether for profit or not.

"Cage and aviary birds" means those exotic captive reared birds, such as parrots, exotic finches, and canaries, which are adapted to live and breed in a cage. For the purpose of this chapter the monk parakeet (*myiopsitta monachus*) is not a cage and aviary bird.

"Chicken" a domestic fowl kept for its production of eggs and meat.

“Chief Animal Control Officer” means the person appointed by the Mayor (including a person appointed by an agency authorized by contract with the Town) who has primary responsibility for administering and enforcing the provisions of this title.

"Colony" shall mean a Bee hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

“Competent voice control” means:

1. The person exhibiting the voice control is present with the animal and monitors all of its activities;
2. The person exhibiting the voice control is capable of directing all of the animal’s movements and activities by vocal commands;
3. The animal under voice control follows all of the vocal commands quickly and accurately.

“Confine” means to keep an animal in a fence, pen, building, or other secure enclosure from which the animal cannot escape, and which keeps the animal from coming into contact with other animals or humans outside the area of confinement.

“Days” is defined as the time in which an act required by this code is to be done and is computed by excluding the first day and including the last, unless the last day falls on a weekend or on a holiday, recognized by the Town, and then it is also excluded. Unless otherwise specified, “days” means Town “business days.”

“Dog” means a member of the genus and species *Canis lupus familiaris* or *Canis familiaris*, commonly known as domestic dog, but does not include other members of the family Canidae, such as a fox, coyote, wolf or any other game species, the taking of which is regulated by the state. For purposes of this title, “dog” shall include canid hybrids unless otherwise specified or unless the inclusion of the same would be contrary to the laws of the State of Wyoming.

“Domesticated” means animals owned which are commonly or historically adapted to man’s use or pleasure.

“Euthanasia” means the putting to death of an animal.

“Feral cat” means an adult cat as otherwise defined in these ordinances but for which there is no owner and the cat lives outdoors with little or no human contact.

“Fowl” means any bird of any kind.

“Hive” shall mean a structure intended for the housing of a bee colony.

“Identification” means a collar and tag, brand, tattoo, or other mark or means which makes ownership of the animal ascertainable.

“Kennel” means any premises used for breeding, buying, selling, keeping or boarding five or more dogs over the age of six months, whether for profit or not.

“Livestock” includes, but is not limited to, domestic animals such as horses, cattle, sheep, goats, pigs, chickens, fowl, ducks and other such animals normally considered farm animals, whether kept for profit or not.

“Major kennel or cattery” means an establishment or place other than an animal or veterinary hospital, where more than 18 dogs or cats over six months of age are housed, groomed, bred, boarded, trained and/or sold, for more than a 24-hour period.

“Mayor” means the Mayor of the Town of Mills.

“Minor kennel or cattery” means an establishment or place other than an animal or veterinary hospital, where more than five but less than 18 dogs or cats over six months of age are housed, groomed, bred, boarded, trained and/or sold, for more than a 24-hour period.

“Neutered dog or cat” means any male dog or cat rendered incapable of reproduction by surgical operation.

“Own” means to have, keep, possess, harbor, take care of, have custody of or control over any animal.

“Owner” means any person, group of persons, association or corporation owning, keeping, taking care of, having custody of, having control over, or harboring any animal or animals.

“Registration” means the licensing of a dog or cat as per the provisions of this Code.

“Restraint” means either:

1. Actual physical control, such as a leash, chain, fence or building;
2. Competent voice control while actively engaged in an organized activity which requires that an animal not be physically restrained, or in a form of recognized hunting which requires the use of an animal such as a retriever;
3. The condition of an animal when on the property of its owner, in visual contact with the owner, and obedient to the owner’s command.

“Running at large” means an animal is not under restraint.

“Sanitary” means free from bacteria, parasites, waste, filth or other elements in amounts which would endanger the health or welfare of an animal.

“Spayed dog or cat” means any female which has had a surgical ovariohysterectomy to prevent conception.

“Town” means the Town of Mills, Wyoming and in the context of a particular section, may mean the designated contract agent of the Town providing animal control services to the Town.

“Veterinarian”, as used in these ordinances, shall mean a veterinarian licensed under the laws of the State of Wyoming and in good standing with the State of Wyoming. As further used in these ordinances, “veterinarian” should be read to mean that veterinarian providing services to the Town of Mills on a regular basis.

“Wild” or “Wildlife” refers to a type of animal which generally lives in its original and natural state and is not domesticated, or animals which are classified as wild under state law.

**6.01.020 Jurisdiction and Scope.**

The Town has jurisdiction over all animals within the boundaries of the municipality in all instances except those areas in which it would be contrary to the laws of the State of Wyoming or the United States. The keeping of all animals shall only be done in compliance with the provisions of this Title or as otherwise provided for by the Town Code of the Town of Mills, Wyoming.

A. It is expressly the intent of the Town of Mills to provide for and allow the keeping of domesticated animals, as defined above, by the residents of the Town of Mills in so far as it has been provided for in this Title. The presumption shall exist that if an animal meets the definition of “domesticated animal”, as provided for above, that the keeping of the animal shall be allowed within the boundaries of the Town of Mills.

B. The Town of Mills shall not allow the keeping of Wild Animals or Wildlife within the boundaries of the Town of Mills except in such circumstances as would be allowable under the laws of the State of Wyoming and the United States and as further authorized by such permits as may be authorized by the Town Council. In the absence of such permits, no such animal may be kept in the Town of Mills. In such instances in which a Wild Animal may only be kept pursuant

to a permit issued by the United States or the State of Wyoming, obtaining such a permit shall be a prerequisite to applying to obtain a permit from the Town of Mills.

C. The Town of Mills shall not allow the keeping of Livestock within the boundaries of the Town of Mills except as provided for in this Title.

D. The Town of Mills shall not allow the keeping of Bees within the boundaries of the Town of Mills except as provided for in this Title.

**6.01.030 Animal or livestock annoyances and illegal keeping.**

A. It is unlawful to keep any animal, livestock, or Wildlife in the Town of Mills except as authorized under the provisions of this Title.

B. It is unlawful for an animal, livestock or permitted Wildlife to interfere with the sleep, work or reasonable right to peace, safety, or privacy of a person.

C. Violation of this provision is an infraction.

D. Nothing in this Title or provision shall be read to prevent the presence of animals, livestock or permitted Wildlife in the Town of Mills which are in transit through the Town of Mills in a manner which is authorized under the laws of the State of Wyoming.

**6.01.040 Sanitary enclosures.**

It is unlawful for any person to own any animal unless all structures, pens and yards, and areas in which the animal is kept, are maintained in a sanitary condition. Violation of this provision is an infraction.

**6.01.050 Diseased animals.**

It is unlawful to own any animal infected with a contagious or pestilential disease, except when the animal is confined and isolated from other animals or under the care of a licensed veterinarian. Violation of this provision is an infraction.

**6.01.060 Animals in public places.**

It is unlawful to tie, stake or fasten any animal within any highway, street, alley or public place within the Town, or so that the animal has access to any portion of any highway, street, alley or public place therein; provided, that the Mayor or his or her designee may make exceptions in the case of an organized animal activity and similar temporary sporting or festive events. Violation of this provision is an infraction.

**6.01.070 Restraint of animals.**

A. All animals shall be continuously under restraint.

B. Livestock animals which are generally kept in a herd, flock or other grouping are subject to a single failure-to-restrain violation for the group.

C. No person shall release, without permission of the owner, any animal from restraint, except to preserve the animal's life.

D. Violation of any provision of this section is an infraction.

**6.01.080 Humane animal care.**

Humane animal care includes, but is not limited to, providing:

A. Sufficient wholesome and nutritious food at least once daily which will keep the animal in healthy physical condition;

B. Sufficient daily quantities of fresh water which meet the hydration requirements for the animal;

C. Adequate shelter which provides adequate air and ventilation, and which prevents the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions and dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal; and

D. Veterinary care when needed to treat the animal for sickness or disease, or to prevent suffering of the animal.

**6.01.090 Cruelty to animals.**

A. No person shall intentionally injure or kill an animal unless:

1. The act committed is done humanely in conformity with applicable federal, state or Town law;

2. The act is necessary to defend a human being or an animal from attack.

B. No person shall intentionally or recklessly wound, injure, torment, poison, provoke, otherwise abuse or unnecessarily overwork an animal, or procure, or attempt any of such acts.

C. No owner shall fail to provide humane animal care or abandon an animal by failing to provide humane animal care.

D. No person shall throw or deposit any poisonous substance on any exposed public or private place where it may endanger any animal.

E. No person shall intentionally abandon, harass, torture or kill an animal, or encourage an animal to fight with another animal for sport, training or entertainment.

F. A person shall not intentionally capture a domestic or domesticated animal with any type of trap that physically harms the animal, including, but not limited to, steel jaw traps, snares and spring traps, except an authorized Town, borough, state or federal employee or agent.



G. Acts in violation of this section constitute cruelty to animals. Cruelty to animals is an infraction.

H. Persons convicted of cruelty to animals shall forfeit all rights and interests, if any, in the animal(s).

**6.01.100 Protective custody.**

A. An animal may be taken into protective custody by the Town if the Chief Animal Control Officer makes a determination in writing that an animal is either:

1. Not humanely cared for by the owner; or
2. Is being cruelly treated by any person.

A licensed veterinarian, to determine the animal's physical condition, shall examine all animals taken into protective custody.

B. Animals taken into protective custody may be held for a period not to exceed 15 days. In the event the animal is a service animal it may be held for a longer period. The Chief of Animal Control will make all decisions on this issue. In the event the Chief is absent, the decision will be made by the Animal Control Administrator.

C. The Chief Animal Control Officer may release an animal taken into protective custody to the owner contingent upon conditions in a written release order.

1. If an owner refuses to redeem an animal under the conditions of a written release order or violates the conditions of a written release order, the animal is subject to forfeiture to the Town upon a hearing before the Chief Animal Control Officer.
2. The owner may appeal the forfeiture as set forth in Chapter 6.08 MILLS TOWN CODE.

D. A person whose animal is taken into protective custody shall be responsible for all reasonably incurred fees, costs and expenses, including, but not limited to, impoundment fees and veterinary costs associated with the Town's custody, care or maintenance of the animal. Violation of this provision is an infraction.

E. The Chief Animal Control officer may, for good cause, waive a portion of the fees, expenses or costs and may enter into a payment schedule agreement with an owner.

F. Animals taken into protective custody because of a determination by the Chief Animal Control Officer or his Deputy that the animal was cruelly treated, may remain in protective custody at the Chief Animal Control Officer's discretion, until final disposition of the case.

**6.01.110 Live animal traps.**

A. Intentional capture of domestic and domesticated animals by trap is prohibited, unless a live animal trap issued by the Town (or an agency authorized by contract with the Town) is used or a live trap permit is applied for at a cost of \$5.00 or set by resolution.

B. A person who is issued a live animal trap by the Town (or an agency authorized by contract with the Town) for the purposes of capture and control of unrestrained domestic and domesticated animals shall check the trap at least twice every 24 hours to determine whether an animal has been trapped.

C. A person shall provide humane animal care for any animal captured. This would not apply to wild animals per definition.

D. A person shall release the animal without unreasonable delay to the Animal Control Office or an Animal Control Officer or the owner, as set forth in subsection (E) of this section.

E. No person shall release an animal caught in the live animal trap to anyone other than an Animal Control Officer or to an owner without first receiving permission from the Animal Control Office.

F. Violation of any provision of this section is an infraction.

**6.01.120 Euthanasia of animal.**

No animal shall be subject to euthanasia for any reason, except for an emergency which poses an immediate threat to human safety, or to relieve dire pain and suffering of a sick or injured animal, until a determination has been made that such action is in the best interest of the community with respect to safety and/or in the best interest of a sick, injured or infirm animal. In all such instances a decision to euthanize an animal shall be made, except where otherwise provided herein by a majority of the Animal Control Board.

**6.01.121 Animal Control Facility.**

A. The Town of Mills may contract with any other municipal body or entity, or private entity, for the provision of facilities to shelter animals that come into its custody for any reason. Alternatively, the Town of Mills may determine to operate an Animal Control Facility of its own. In such instances in which the Town of Mills determines to operate an Animal Control Facility of its own, it may contract for the operation of the same with any private entity that is qualified, in the judgment of the Town Council, to operate the same. The Town of Mills may further contract with other municipalities for the use of its Animal Control Facility as appropriate.

B. In such instance in which the Town of Mills determines to operate an Animal Control Facility of its own, the standards, rules and regulations that shall pertain to the same shall be determined by the Animal Control Board.

**6.01.122 Restrictions and Allowances on specific Types of Animals**

A. Number Permitted.

1. Except where otherwise provided for in this Title, and subject to such other provisions as are set forth in this Title, it shall be unlawful for any person to keep more than five cats and five dogs on any premises within the Town of Mills. This provision shall be read such to apply to any combination of cats and dogs, so that the no person may keep more than five cats and dogs combined.
2. No livestock shall be kept in the Town of Mills except as otherwise provided for by the Town Code of the Town of Mills, Wyoming.
3. No Wildlife may be kept owned by a resident of the Town of Mills except as provided for in this Title.
4. No more than five of any animals of any type in combination shall be permitted on a single premise, excluding fish, small rodents and small cage birds except where authorized by a permit to be issued by the Town Council. Upon application to the Town Council, the Town Council may permit a larger number of animals to be kept on a premises under the terms and conditions set by the Town Council.

**6.01.123 Severability.**

Should any provision of this title or its application be held invalid, the remainder of its provisions shall not be affected.

**Chapter 6.02**

**ANIMAL CONTROL OFFICERS**

Sections:

- 6.02.010 Animal Control Officers – Appointment.
- 6.02.020 Powers and duties of Animal Control Officers.
- 6.02.030 Interference.
- 6.02.040 Record keeping.
- 6.02.050 Polices, regulations and procedures.

**6.02.010 Animal Control Officers – Appointment.**

A. Appointment. The Mayor shall appoint a Chief Animal Control Officer. In the absence of any subsequent Ordinance or appointment appointing this position separately, the Chief Animal Control Office shall be presumed to be the Chief of Police who may appoint a Deputy or Deputies to this position who is not otherwise a member of the Police Department of the Town of Mills.

B. Contract for Services. The Town may contract, in whole or in part, for any or part of its animal control services.

**6.02.020 Powers and duties of Animal Control Officers.**

A. Chief Animal Control Officer. The Chief Animal Control Officer has all the powers of a Deputy Animal Control Officer and the power to administer and enforce the provisions of this title, including, but not limited to, the following: operating animal shelters, holding animal control hearings as authorized by this title, conducting low cost rabies vaccination clinics for dogs and cats, issuing written animal control administrative orders, negotiating and settling nonjudicial disputes and matters under this title, entering into settlement and payment schedule agreements, and developing and implementing animal control policies, regulations and procedures.

B. Deputy Animal Control Officer. A Deputy Animal Control Officer has the duty to enforce the provisions of this title, subject to the Chief Animal Control Officer's authority, including but not limited to investigating animal control matters and issuing, filing, and serving citations and written administrative orders, and being certified as a lay vaccinator by the state of Wyoming for the purpose of administering rabies vaccines to dogs and cats under the jurisdiction of the Town.

C. Animal Control Officers and Other Offices. Nothing shall preclude the any Animal Control Officer or Deputy Animal Control Officer from occupying another position or office for the Town of Mills.

**6.02.030 Interference.**

A. It is unlawful for any person to interfere with, hinder or molest an Animal Control Officer or officer or agent of the Town in the performance of any of the officer's duties under this title.

B. It is unlawful for any person to remove or release any animal from the animal shelter, animal control vehicles, live animal traps, or from any other official custody of any Animal Control Officer or agent of the Town without first obtaining permission to do so from the Animal Control Office.

C. It is unlawful for any person to hinder or interfere with any animal control investigation, reporting or prosecution.

D. An individual may lawfully detain any animal found in violation of this title provided they immediately notify the Animal Control Office and surrender the animal to the Animal Control Officer.

E. Violation of this section is an infraction.

**6.02.040 Record keeping.**

A. Records. The Animal Control Office shall keep accurate records regarding impoundment, disposition of animals, and investigations regarding animals coming under the Town's jurisdiction.

B. The Town and/or the Deputy Clerk of the Town of Mills shall keep accurate and detailed records including but not limited to records regarding complaints, monies received, expended, and the registering of animals.

C. Confidentiality. Complaints and investigation records shall be kept confidential and not released unless otherwise required by law.

**6.02.050 Policies, regulations and procedures.**

The Chief Animal Control Officer may, subject to the approval of the Mayor of the Town, establish written policies, regulations and procedures to carry out the provisions of this title. Animal control policies, regulations and procedures adopted and administered by the Chief Animal Control Officer shall be set forth in the manual entitled Animal Control Policies, Regulations and Procedures, which shall be made available to the public for no more than cost. The Chief Animal Control Officer may modify, amend or rescind, in writing, in whole or in part, subject to the approval of the Mayor of the Town, the Animal Control Policies, Regulations and Procedures Manual.

**Chapter 6.03**

**REGISTRATION**

Sections:

- 6.03.010 Registration – Dogs or cats.
- 6.03.020 Registration – Kennel, cattery.
- 6.03.030 Registration – Updating information.
- 6.03.010 Kennel, cattery requirements.
- 6.03.050 Registration tags and tattoos or microchip identification for dogs, cats.
- 6.03.060 Registration certificates for kennels, catteries.
- 6.03.070 Fees.
- 6.03.080 Unexpired dog or cat and kennel, cattery licenses.
- 6.03.090 Exemptions.
- 6.03.100 Kennel, cattery inspections.
- 6.03.110 Written administrative orders.
- 6.03.020 Registration, tagging and tattooing implementation.
- 6.03.130 Distribution of animal control regulations.
- 6.03.140 Reciprocal agreements.

**6.03.010 Registration – Dogs or cats.**

A. Registration Required. Within the Town, no person shall own any dog or cat over the age of six months without registering each dog or cat.

B. Registration. Registration of a dog or cat shall include the name and address of the owner and the name, breed, color, age and sex of the dog or cat, whether the dog or cat is spayed or neutered, the expiration date of its rabies vaccination, rabies certificate number, and the location and description of any identification on the dog or cat.

C. Immunization. The Town shall not register a dog or cat unless the dog or cat has been vaccinated with a state of Wyoming approved rabies vaccine by a licensed veterinarian, or by a state of Wyoming lay rabies vaccinator, and the period of immunization has not expired. Proof of immunization shall be a completed rabies vaccination certificate in the form required by the state of Wyoming.

1. If ownership of an animal is transferred and the animal has a current rabies immunization, proof of transfer of ownership or proof of the animal's identification must be provided when registering the animal.

D. Expiration of Dog or Cat Registration. Dog or cat registrations expire as follows:

1. For dogs or cats not tattooed or microchipped in compliance with this chapter, the registration expiration date is one year from the date of registration.
2. There is no registration expiration date for dogs or cats tattooed or microchipped in compliance with this chapter.
3. Cats and dogs that are microchipped or tattooed in compliance with this chapter shall receive a lifetime registration.

E. Violation. Violation of subsection (A) of this section is an infraction.

**6.03.020 Registration – Kennel, cattery.**

A. Registration Required. In addition to the registration requirements of MILLS TOWN CODE 6.03.010, no person shall own or operate a kennel or own five or more dogs or cats over the age of six months without registering as a kennel operator for each location of a kennel.

B. Registration. Registration as a kennel operator shall state the name and address of the owner, the name and address of the operator, the kennel or cattery name, the physical location of the kennel, and a complete list of the dogs or cats by Town registration and rabies certificate numbers.

C. Reregistration. If there are any changes in ownership or location of the kennel, the kennel shall be reregistered.

D. Expiration of Kennel, Cattery Registrations. Registration shall be valid for a period of three years.

E. Violation. Violation of subsection (A) or (C) of this section is an infraction.

**6.03.030 Registration – Updating information.**

It is the responsibility of every dog or cat owner and kennel or cattery operator to update and provide the Town with current registration information regarding the items set forth in MILLS TOWN CODE 6.03.010(B) and 6.03.020(B). Violation of this provision is an infraction

**6.03.010 Kennel, cattery requirements.**

A. No kennel, cattery shall be maintained or operated in a manner which is an annoyance as determined by the Animal Control Officer or his Deputy. Violation of this provision is an infraction.

B. All kennel or cattery facilities shall meet the following requirements:

1. Shelter which provides adequate air and ventilation, and which shall prevent the dogs or cats from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the dog or cat;
2. The dogs or cats shall be physically restrained or confined within the premises of the kennel or cattery;
3. The premises shall be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the dogs or cats; and
4. Sufficient amounts of wholesome and nutritious food and fresh water shall be provided to keep the dogs or cats in healthy physical condition.

C. Violation of subsection (B) of this section is an infraction.

**6.03.050 Registration tags and tattoos or microchip identification for dogs, cats.**

A. Registration Tags. Each registered dog or cat shall be issued a registration tag with an identification number and telephone number of the Animal Control Office.

B. Tag Replacement. The registration tag shall be securely fastened to the dog's or cat's choke chain, collar or harness, which shall be worn at all times when the dog or cat is off the owner's property, except when a dog is in competition, training, in use as a police dog by law enforcement personnel, or while performing recognized sporting activities.

C. Registration Tattoos or Microchip Identification. The dog or cat owner may have the dog or cat tattooed or have a microchip identification approved and inserted by the Town with the Town identification number. Such tattoo will be in the right ear of the dog or cat. The microchip identification shall be inserted in a location specified by the Chief Animal Control Officer.

D. Performance of Registration Tattoos. A tattoo or microchip implant may be performed in a place other than the animal control shelter (including shelters authorized by contract with the Town) by someone other than an Animal Control Officer, at the owner's expense, if the owner notifies the Town (or an agency authorized by contract with the Town) of the identification number and the location of the tattoo or microchip.

E. Any cat or dog which comes into the custody of the Town of Mills which has a current license and registration that comports with the provisions of these Ordinances shall be

returned to the licensed owner as soon as is practicable and without charge. Nothing in this subsection, however, shall be read to preclude the issuance of citation for animal at large or such other citations may be appropriate.

**6.03.060 Registration certificates for kennels, catteries.**

Each registered kennel, cattery shall be issued a registration certificate with a Town identification number.

**6.03.070 Fees.**

A. All registration fees for each dog or cat shall be set by resolution. Appropriate fees will be set by the City Council thereafter in accordance with the provisions of this Chapter. At the time of the adoption of this Ordinance, the original fees shall be an annual registration fee of \$10.00 for cat/dog that has been neutered or spayed, \$20.00 for a cat/dog that has not been neutered or spayed, \$40.00 for a lifetime registration for a cat/dog that has been microchipped or tattooed and is neutered and \$80.00 for a cat/dog that has been microchipped and which is not neutered or spayed.

B. All registration fees for kennels or catteries shall be set by resolution.

C. Any kennel, cattery doing business within the Town of Mills will be required to also apply for a Town of Mills business license and sales tax license as appropriate.

**6.03.080 Exemptions.**

A. The registration requirements for dogs and cats under this chapter do not apply to any dog or cat kept within the Town for less than 30 calendar days. All such dogs and cats are subject to all other provisions of this title. This subsection does not allow a 30-day grace period for compliance with registration requirements for dog or cat owners within the Town. This subsection is an exemption only for dogs or cats kept temporarily within the boundaries of the Town.

B. The Humane Society shelters, Society for the Prevention of Cruelty to Animal shelters, and hospitals and clinics operated by licensed veterinarians for the care and treatment of animals are exempted from the dog, cat and kennel, cattery registration requirements set forth in MILLS TOWN CODE 6.03.010 and 6.03.020. However, the shelters, hospitals and clinics are subject to all other requirements of this title.

**6.03.090 Dog and Cat Exhibition and Training Permits**

The registration provisions shall not apply to dogs and cats that are located within the boundaries of the Town of Mills on a temporary basis associated with any dog or cat exhibition, show or training event. Any responsible individual wishing to hold such an event may apply in writing for an exhibition, show and/or training permit, from the Town Council which may issue the same with such provisions or restrictions which it finds to be warranted for the event.



**6.03.100 Kennel, cattery inspections.**

A. All standards and policies that shall apply to kennels and catteries shall be created by the Veterinarian for the Town of Mills and shall be based upon the best practices for same or similar enterprises and be designed to protect the health and welfare of the citizens of the Town of Mills and the respective animals. All such standards and policies shall be first approved by the Mayor prior to coming into effect and operation.

B. The Chief Animal Control Officer or his Deputy may inspect a kennel/cattery that has applied for a registration certificate under MILLS TOWN CODE 6.03.020, or the agency authorized by contract with the Town may set forth a policies, regulations and procedures manual to ensure compliance with MILLS TOWN CODE 6.03.010, prior to the issuance of a kennel/cattery license. Any inspection performed under this section shall require that the owner be given reasonable notice prior to the inspection time and date.

C. Upon receiving written complaint that the kennel, cattery does not meet any or all of the requirements of MILLS TOWN CODE 6.03.010, the Chief Animal Control Officer or his Deputy may, at the officer's discretion, inspect any kennel, cattery. (Ord. 03-08 § 4, 2003; Ord. 04-06 § 4, 2004)

**6.03.110 Written administrative orders.**

A. If, upon the inspection of a kennel, cattery, the kennel, cattery does not meet the requirements of MILLS TOWN CODE 6.03.010, the Chief Animal Control Officer or his Deputy may issue a written administrative order to the kennel, cattery owner setting forth the conditions the kennel, cattery owner shall meet in order to be in conformance with MILLS TOWN CODE 6.03.010.

B. The kennel, cattery owner shall be granted a reasonable length of time of no more than 30 calendar days within which to remedy any deficiencies found.

C. If, upon a second inspection after the time granted in the written administrative order, the kennel, cattery is still in violation, the Chief Animal Control Officer may revoke any registration certificate.

D. Each day a kennel, cattery owner operates the kennel without a registration certificate constitutes a separate violation for operating a kennel, cattery without registration.

E. Violation of the written administrative order under this provision is an infraction.

**6.03.020 Registration, tagging and tattooing implementation.**

The Chief Animal Control Officer, at the Officer's discretion, may include in an Animal Control Policies, Regulations and Procedures Manual policies, regulations and procedures to carry out the requirements of this chapter.

**6.03.130 Reciprocal agreements.**

The Town is authorized to enter reciprocal agreements regarding animal registrations with any other municipality. Under reciprocal registration agreements, a registration issued by another municipality will be treated as valid by the non-issuing jurisdiction as long as the registration

would be valid in the issuing jurisdiction. In the absence of such reciprocal agreements being established they shall not be deemed to exist.

In all such instances in which a registration by a non-issuing jurisdiction is recognized by the Town of Mills, it shall be incumbent upon the owner of the animal to submit the proper Mills registration form to the Town of Mills in order that the Town of Mills may have registration information regarding the animal. No fee shall be assessed for the same. Failure to submit said form shall be deemed a failure to register the animal.

## Chapter 6.040

### ANIMAL BITES AND ATTACKS

Sections:

- 6.04.010 Definitions.
- 6.04.020 Animal bite and attack incidents – Investigation and classification.
- 6.04.030 Exceptions to classifications.
- 6.04.040 Impoundment and written release orders.
- 6.04.050 Dangerous animals – Mandatory conditions of release.
- 6.04.060 Vicious animals.
- 6.04.070 Nuisance and dangerous animals – Owner’s notification.
- 6.04.080 Animal classification and written release order review by Mills Animal Control Board.
- 6.04.090 Nuisance animals – Mandatory conditions of release.
- 6.04.100 Transfer of ownership of a classified animal.
- 6.04.110 Preexisting classifications.

**6.04.010 Definitions.**

A. For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Accidental bite or attack” means a bite or an attack which occurs under circumstances that can be deemed as occurring by chance.

“Attack” means violent or aggressive physical contact with a person or animal or violent or aggressive behavior that confines the movement of a person, including but not limited to cornering or circling a person.

“Bite” means the animal, by using its teeth, breaks the skin of a human being or animal.

“Dangerous animal” means any animal which:

1. Has bitten or attacked without provocation a human being whether on public or private property;
2. Has bitten or attacked an animal without provocation whether on public or private property and caused injuries that require veterinary care. Veterinary care includes treatment performed either by a licensed veterinarian or by a lay person with the skills and knowledge to perform such care or by a lay person under the direction of a veterinarian; or
3. Has caused minor injuries to a person or persons such as, but not limited to, bruising, small lacerations, puncture wounds and abrasions, which do not require the hospitalization of the victim or victims.

“Nuisance animal” means an animal:

1. That has engaged in the following activities:
  - a. Aggressive posturing,
  - b. Aggressive lunging, or
  - c. Barking; and
2. Has by its behavior caused a person to modify, stop or alter the person's activity; caused a person to fear for a person's safety from the animal's behavior; or has caused flight of an animal or disruption of a domestic animal flock or group. The burden of proof in this section shall be one of a reasonable belief by the victim or victim's owner that the victim was in danger of being attacked as defined in this section, but an actual attack did not occur.

"Provocation" means the teasing, tormenting, abusing or assaulting of an animal to incite the animal to bite or attack.

"Serious injury" means a puncture wound, laceration, avulsion, deep soft tissue or bony injury to a human being or animal requiring medical evaluation and treatment.

"Vicious animal" means any animal which has, without provocation, caused serious injury or death to a human being or animal, whether on private or public property.

**6.04.020 Animal bite and attack incidents – Investigation and classification.**

A. The Deputy Animal Control Officer shall investigate and report each animal bite or attack incident to the Chief Animal Control Officer. The Chief Animal Control Officer shall classify bite and attack incidents.

1. No other conditions of release shall be required if the incident is classified as accidental, except for the supervised quarantine provisions set forth in MILLS TOWN CODE 6.05.050, registration requirements set forth in Chapter 6.03 MILLS TOWN CODE and fee and expense requirements set forth in MILLS TOWN CODE 6.06.030.

B. If the bite or attack incident is classified as nonaccidental, the animal involved may be classified by the Chief Animal Control Officer as a nuisance, dangerous or vicious

C. In all such incidents referenced in Section 6.04.020(B) above, the owner of an animal which has bitten or attacked a human being, in which said attack is nonaccidental and unprovoked, and where the person who was attacked or bitten had a legal right to be on the location at which the bite or attack took place, may be cited for violation of this section.

D. In all such incidents referenced in Section 6.04.020(B) above, the owner of an animal that has bitten or attacked another animal, in which said attack is nonaccidental and unprovoked, and where the animal that was attacked or bitten was bitten or attacked in a public location while under the reasonable control of its owner, may be cited for violation of this section.

E. If the incident is classified as nonaccidental, the conditions, facts and circumstances of the incident, and seriousness of any bite, shall be considered in determining the classification of the animal.

F. The classification of an animal as a nuisance, dangerous or vicious shall be completed by the Chief Animal Control Officer within 10 days of the receipt of the bite or attack report.

G. Upon classification of the animal as a nuisance, dangerous or vicious, the Animal Control Office shall notify in writing by personal service or by certified mail and regular mail the following:

1. The owner of the animal classified;
2. The victim or victim's owner in the incident classified; and
3. Notice by personal service shall be complete upon delivery and notice by mail shall be deemed complete upon return of the receipt of the notice as delivered, undeliverable, refused or unclaimed.

H. It is a violation for any complaint, reports, statements or other documentation to be fraudulently filed. Violation of this provision is an infraction.

**6.04.030 Exceptions to classifications.**

A. Exceptions to nuisance, dangerous and vicious animal classifications are as follows:

1. No animal may be declared a nuisance, dangerous or vicious if any injury or damage is sustained by a person of sufficient age and understanding who, at the time the injury or damage was sustained, was:
  - a. Teasing, tormenting, abusing or assaulting the animal; or
  - b. Committing or attempting to commit a crime or intentional tort which would warrant immediate defense of person or property.
2. No animal may be declared a nuisance, dangerous or vicious if the animal was protecting or defending a person or property within the immediate vicinity of the animal or defending itself from an unjustified attack.
3. No dog may be declared a nuisance, dangerous or vicious if the injury or damage to an animal was sustained while the dog was working as a hunting dog or herding dog or predator control dog on the property of or under the control of its owner, and the damage or injury was to a species or type of animal appropriate to the work of the dog.
4. No dog may be declared a nuisance, dangerous or vicious if the dog has been trained specifically for a government or law enforcement agency to attack persons independently or upon oral command, and at the time of the

bite or attack the attacking dog is under the control and supervision of an authorized government or law enforcement unit, and the act is directly associated with the proper execution of governmental or law enforcement duties.

5. No citation under 6.04.020 may be issued under the circumstances listed in Sections 6.04.030(A) above.

B. If at any time during a supervised quarantine a domestic or domesticated animal is rabid or is tentatively diagnosed as rabid, the provisions of MILLS TOWN CODE 6.05.060(B) shall apply. This provision shall not exempt a domestic or domesticated animal, which is not euthanized pursuant to this chapter, from the provisions of this chapter if the domestic or domesticated animal is determined to be rabies-free.

#### **6.04.040 Impoundment and written release orders.**

A. Impoundment. An animal involved in a bite or attack incident shall be impounded at the animal control shelter unless the Chief Animal Control Officer, at the Officer's discretion, permits supervised confinement to be at a licensed veterinarian clinic or hospital, licensed kennel, or at the owner's house if the kennel or home has adequate facilities to quarantine the animal. Any quarantine of an animal not at the animal control shelter shall be posted with a quarantine sign that states the reason for the quarantine, conditions and dates of the quarantine. If the animal is classified as vicious and is confined at a clinic or hospital after the period of supervised quarantine ends, the animal shall be released to the Animal Control Office and impounded at the animal shelter unless the animal is:

1. Under a veterinarian's care for sickness, disease or injury requiring the animal to remain at the clinic or hospital; or
2. Kept under other specially required conditions at the time of the requested release by the Town.

B. Written Release Order. An owner of an animal classified as a nuisance or dangerous shall be provided a written release order by the Chief Animal Control Officer, setting forth the conditions of release accompanied by written findings of fact and conclusions.

1. The conditions of the written release order shall include, but are not limited to, all requirements set forth in MILLS TOWN CODE 6.04.090 for animals classified as nuisances and MILLS TOWN CODE 6.04.050 for animals classified as dangerous. The owner shall have five days from receipt of the conditional release order to comply and implement all of the terms and conditions of the order, unless stated otherwise.
2. The Chief Animal Control Officer may, at the Officer's discretion, include other requirements or conditions in the written release order.
3. The Chief Animal Control Officer or the Officer's designee shall inspect the owner's premises to determine if the owner meets the conditions of

release requirements pertaining to confinement of the animal prior to release of the animal.

4. The Chief Animal Control Officer shall consider factors, including but not limited to the following factors, in determining the conditions of release:
  - a. The observed or reported past and present actions of the animal owner in controlling and restraining animals;
  - b. The circumstances of the incident and the extent of the injury to the person or animal attacked;
  - c. The owner's past history of compliance with past and present Town animal control ordinances;
  - d. The owner's past history of compliance with other state or municipal animal control ordinances and laws.

C. Conditions of Written Release Order to Be Met. All conditions of the written release order must be met, or the animal owner must demonstrate the ability to meet the conditions prior to release of the animal. Whether the animal owner has met the conditions or has the ability to meet the conditions shall be determined by the Chief Animal Control Officer.

D. Fees and Expenses. Prior to any release, all fees and expenses reasonably incurred by the Town from the date of impoundment shall be paid by the owner.

E. Forfeiture of Animal. If an owner refuses to redeem an animal under the conditions of a written release order, refuses to pay fees and expenses, or violates any condition of a written release order, the animal is subject to forfeiture to the Town upon a hearing before the Chief Animal Control Officer as set forth in an Animal Control Policies, Regulations and Procedures Manual or a manual adopted by an agency authorized by contract with the Town.

F. Violation. Violation of a written release order is an infraction. Each day the owner fails to abide by the written release order issued by the Chief Animal Control Officer constitutes a separate infraction for violating the conditions of the written release order.

G. Release Agreements. The Chief Animal Control Officer may, at the Officer's discretion, enter into conditional release agreements for animals involved in bite or attack incidents.

#### **6.04.050 Dangerous animals – Mandatory conditions of release.**

A. Dangerous Animals. The mandatory conditions of release for an animal classified as dangerous shall include, but are not limited to, the following conditions:

1. The animal shall be tattooed in the right ear by the Town with a Town registration number. In lieu of a tattoo, a microchip approved by the Town may be implanted in the animal. The owner shall pay the cost of microchip identification.

2. Two photographs of the animal clearly and accurately depicting size, color and marks shall be maintained by the Animal Control Office. If the animal is not an adult at the time of the classification, the owner shall provide an updated photograph on the date set forth in the release order.
3. While on the owner's property, the animal shall be securely confined indoors, or in a securely enclosed and locked pen or structure suitable to prevent the entry of persons and animals and constructed to prevent the animal from escaping by climbing, burrowing or otherwise escaping from the enclosure.
  - a. The pen or structure shall not be maintained or operated in a manner which is an annoyance, as defined by MILLS TOWN CODE 6.01.010.
  - b. The pen or structure shall meet the following requirements:
    - i. Shelter which provides adequate air and ventilation, and which will prevent the animal from being exposed to inclement or adverse weather conditions, overheating from sunlight, unsanitary conditions or dirty, wet and uncomfortable conditions which may endanger the health or welfare of the animal;
    - ii. The pen or structure shall be free from bacteria, parasites, waste, filth, or other elements in amounts which would endanger the health or welfare of the animal;
    - iii. The pen or structure shall have secure sides and a secure top. The pen or structure shall have a bottom secured to the sides unless it is deemed not necessary by the Chief Animal Control Officer or his Deputy for the particular type of animal. If the pen or structure has no bottom secured to the sides, the sides shall be embedded into the ground to a depth of not less than one foot. The sides of the pen and the top and bottom, if any, shall be securely attached to each other along each edge;
    - iv. If for a dog, the pen or structure shall also have minimum dimensions of five feet in width by 10 feet in length and shall be constructed of material and in a manner to prevent the dog's jaws from protruding through the enclosure.
  - c. The pen or structure must be approved by the Chief Animal Control Officer or his Deputy.
4. The animal may be off the owner's premises only if it is restrained by a leash, muzzled, and under the direct control of a responsible adult. The



strength and length of the leash and strength and type of muzzle shall be approved by the Chief Animal Control Officer or his Deputy.

5. The owner shall display in a prominent place on the premises where the animal is kept a sign, easily readable by the public, using the words "Dangerous Animal." The sign and its location must be approved by the Chief Animal Control Officer.
6. The owner shall have the animal spayed or neutered at the owner's expense.

B. **Change in Location.** The owner shall notify the Chief Animal Control Officer of any change in the physical location of an animal classified under this section, and the new location shall be subject to the terms and conditions of the conditional release order for kennel and restraint requirements.

1. The conditions shall apply to an animal being boarded at a location other than the approved location and kennel as stated in the mandatory conditions of the conditional release order issued under this section.
2. The notification to the Town set forth in this section shall not apply to temporary moves of the animal for the purposes of providing veterinary care.
3. Upon notice to the Chief Animal Control Officer, the subject animal may be impounded until the owner complies with all requirements of the conditional release order, or until such time as the Chief Animal Control Officer schedules an impoundment and forfeiture hearing. In the event the animal is impounded, the owner shall be responsible for all costs and fees associated with the impoundment. Violation of this subsection is an infraction.

C. **Mandatory Conditions of Release.** The mandatory conditions of release set forth in this section and any other conditions imposed by the Chief Animal Control Officer or the Animal Control Board shall remain in effect for the life of the animal as long as the animal remains under the jurisdiction of the Town or the Town's agent.

#### **6.04.060 Vicious animals.**

A. All animals classified as vicious pursuant to this chapter shall be humanely destroyed unless a hearing before the Animal Control Board is requested.

B. If a vicious animal hearing is requested before the Animal Control Board, pursuant to subsection (A) of this section and Chapter 6.08 MILLS TOWN CODE, humane destruction of the animal shall be stayed until the Animal Control Board determines whether the animal is vicious. If the animal is determined to be vicious by the Animal Control Board, it shall be humanely destroyed.

C. Animals classified as vicious, pursuant to this chapter, shall be impounded and held at the animal control shelter until destroyed.

D. It is unlawful to own an animal classified as vicious, pursuant to this chapter. Violation of this provision is an infraction.

**6.04.070 Nuisance and dangerous animals – Owner’s notification.**

The owner of an animal classified as a nuisance or dangerous shall notify the Animal Control Office immediately if the animal is running at large or has bitten or attacked a human being or another animal. Violation of this provision is an infraction.

**6.04.080 Nuisance animals – Mandatory conditions of release.**

A. Nuisance Animals. The mandatory conditions of release for an animal classified as a nuisance shall include, but are not limited to, the following conditions:

1. The animal shall be tattooed in the right ear with a Town registration number; in lieu of a tattoo, a microchip may be implanted in the animal. The cost of microchip identification shall be paid by the owner.
2. Two photographs of the animal clearly and accurately depicting size, color and marks shall be maintained by the Animal Control Office. If the animal is not an adult at the time of the classification, the owner shall provide an updated photograph meeting the requirements of this subsection on the date set forth in the conditional release order.
3. While on the owner’s property, the animal shall be restrained:
  - a. With a fitted collar and leash or run device made of wire, rope or other materials approved by the Chief Animal Control Officer or his Deputy;
  - b. Must be kept in a pen or kennel operated in compliance with this title; or
  - c. Must be kept in a fenced area of the property constructed to prevent the animal’s escape and to reduce or eliminate the public’s contact with the animal; and
  - d. The method and type of restraint shall be approved by the Chief Animal Control Officer or his Deputy.
4. The animal, when off the owner’s premises, shall be restrained with a collar and a leash.
5. All fees and expenses incurred under MILLS TOWN CODE 6.04.040 shall be paid in full by the animal owner prior to release.

B. The requirements of this section and other conditions imposed by the Chief Animal Control Officer shall remain in effect for the life of the animal whenever the animal is within the boundaries of the Town.

C. The owner shall notify the Chief Animal Control Officer or his Deputy of any change in the physical location of an animal classified under this section, and the new location shall be subject to the terms and conditions of the conditional release order for kennel and restraint requirements.

1. The conditions shall apply to an animal being temporarily boarded at a location other than the approved location and kennel as stated in the mandatory conditions of the conditional release issued under this section.
2. Violation of this section is an infraction. An animal kept in violation of this section may be impounded until such time as the owner complies with all requirements of the conditional release order, or until the Chief Animal Control Officer schedules an impoundment and forfeiture hearing. In the event the animal is impounded, the owner shall be responsible for all costs and fees associated with the impoundment.
3. The notification in this section shall not apply to temporary moves for the purposes of providing veterinary care to the animal.

D. If an animal classified as a nuisance again acts as a nuisance animal, the animal may be classified as at least dangerous based upon the circumstances of the incident.

**6.04.100 Transfer of ownership of a classified animal.**

A. An animal classified by the Chief Animal Control Officer or his Deputy as a nuisance or dangerous shall have the classification remain in full force and effect for the life of the animal whenever the animal is within the boundaries of the Town of Mills.

B. Upon transfer of the ownership of an animal classified as a nuisance or dangerous the owner shall transfer to the new owner a copy of the classification notice and conditional release order applicable to the animal.

C. The new owner shall be bound by the conditional release order issued by the Chief Animal Control Officer.

D. The owner shall notify the Animal Control Office within five days of the transfer of ownership of a classified animal and shall notify the Animal Control Office of the new location of the animal.

E. Violation of this section is an infraction.

**6.04.110      Preexisting classifications.**

All classifications and conditional release orders or conditional release agreements issued under former law shall remain in full force and effect for the life of the animal classified, regardless of revisions to the classification and conditional release order provisions of this title.

## Chapter 6.05

### RABIES CONTROL

#### Sections:

- 6.05.010 Definitions.
- 6.05.020 Rabies immunization.
- 6.05.030 Reporting.
- 6.05.040 Surrender of animals.
- 6.05.050 Supervised quarantine.
- 6.05.060 Rabid animals.
- 6.05.070 Area quarantine.
- 6.05.080 Cooperation with Wyoming State Department of Health and Social Services.
- 6.05.090 Low cost rabies vaccination clinics for dogs and cats.

#### **6.05.010 Definitions.**

Notwithstanding MILLS TOWN CODE 6.01.010, for purposes of this chapter the word “animal” includes all animals, unless otherwise specified. “Dog” does not include canid hybrids for purposes of this chapter.

#### **6.05.020 Rabies immunization.**

A. A person may not keep, own or harbor a dog or cat over six months of age unless the dog or cat has been immunized for rabies in accordance with the laws of the state and Town ordinance. Violation of this provision is an infraction.

B. It is unlawful for any person owning a dog or cat to knowingly procure, receive, use or attempt to use a purported proof, certificate of, or receipt for rabies immunization not actually given to the animal described in the proof, certificate or receipt. An act in violation of this provision is an infraction.

C. The rabies immunization requirements do not apply to canid hybrids unless and until a rabies vaccine is approved by the state.

#### **6.05.030 Reporting.**

A. All practitioners of human medicine shall report to the Animal Control Office within 12 hours of discovery of the names and addresses of persons treated for animal bites and the owner of the animal, if known. Violation of this provision is an infraction.

B. All practitioners of veterinary medicine shall report to the Animal Control Office within 12 hours of observation of any animal having or suspected of having rabies. Violation of this provision is an infraction.

C. A person who knows of an animal biting a domestic or domesticated animal or human shall report the bite to the Animal Control Office within 12 hours of witnessing or receiving knowledge of the bite. Violation of this provision is an infraction.

D. Except for dogs and cats, other domestic or domesticated animals that have bitten a human or another animal shall be reported immediately to the Wyoming State Department of Social and Health Services.

**6.05.040 Surrender of animals.**

An owner of a domestic or domesticated animal, at the request of an Animal Control Officer, shall not refuse to surrender the domestic or domesticated animal for supervised quarantine, pursuant to MILLS TOWN CODE 6.05.050, if the domestic or domesticated animal has bitten a human or another animal. Violation of this provision is an infraction.

**6.05.050 Supervised quarantine.**

A. A domestic or domesticated animal subject to a supervised quarantine shall be securely confined for a minimum period of 10 calendar days following the bite.

B. At the discretion of the Chief Animal Control Officer, the quarantine location may be:

1. At the designated animal shelter;
2. At a veterinary hospital or clinic of the owner's choosing, subject to the approval of the Chief Animal Control Officer;
3. At a licensed boarding kennel or cattery of the owner's choosing, subject to the approval of the Chief Animal Control Officer;
4. Confined on the owner's premises subject to the approval of the Chief Animal Control Officer.

C. Fees and costs associated with quarantine, treatment and care reasonably incurred by the Town shall be paid by the owner of the animal. (Prior code § 6.03.010)

**6.05.060 Rabid animals.**

A. Notification of Chief Animal Control Officer. When a domestic or domesticated animal under a supervised quarantine, other than at the animal shelter, is diagnosed or tentatively diagnosed as rabid, the Chief Animal Control Officer shall be notified immediately.

B. Confirmation of Diagnosis. If a domestic or domesticated animal is rabid or tentatively diagnosed as rabid, the Chief Animal Control Officer may take any action necessary including, but not limited to, immediate euthanasia and the removal of tissue samples from the domestic or domesticated animal to confirm the diagnosis of rabies.

C. Destruction of Animals. Destruction of animals shall be as follows:

1. No person except an authorized agent of the state of Wyoming, the Chief Animal Control Officer, or a licensed veterinarian may kill or cause to be killed any domestic or domesticated animal which is rabid or may be rabid.
2. Any domestic or domesticated animal diagnosed or tentatively diagnosed as rabid by a Wyoming licensed veterinarian shall be destroyed immediately.

D. Disposition of Rabid Animal. Disposition of rabid animals shall be as follows:

1. A person shall not fail or refuse to surrender a domestic or domesticated animal which is rabid or suspected of having rabies or has been directly exposed to a rabid animal, including the carcass or portion of the carcass.
2. The Chief Animal Control Officer shall dispose of any dead domestic or domesticated animal, or portions of the animal, which is diagnosed as rabid or is suspected of being rabid. (Prior code)

E. Violation. Violation of subsection (A), (C)(1) and (C)(2) or (D)(1) of this section is an infraction.

**6.05.070 Area quarantine.**

A. When one or more positive diagnoses of rabies is made within the Town, the Chief Animal Control Officer may institute an area quarantine for a period of 30 calendar days. The area covered by the quarantine shall be at the discretion of the Chief Animal Control Officer.

B. A person within the quarantine area may not:

1. Take a domestic or domesticated animal off the premises of its owner, except on a leash or in a harness; or
2. Take or ship a domestic or domesticated animal from the area of quarantine without written permission of the Chief Animal Control Officer.

C. During an area quarantine a domestic or domesticated animal running at large may be destroyed forthwith by an authorized Animal Control Officer.

D. In the event subsequent and continued cases of rabies occur during the 30-calendar-day quarantine period, the quarantine time may be extended up to an additional six months at the discretion of the Chief Animal Control Officer.

E. During the period of quarantine, the boundaries of the quarantine area may be adjusted by the Chief Animal Control Officer as needed.

F. Any domestic or domesticated animal with a current rabies vaccination during an area quarantine which is bitten by any animal shall be immediately re-vaccinated and placed under supervised quarantine. The bite shall be reported immediately to the Chief Animal Control Officer.

**6.05.080 Cooperation with Wyoming State Department of Health and Social Services.**

A. The Town may defer to the judgment of the Wyoming State Department of Health and Social Services on rabies issues. The Town may cooperate on issues including, but not limited to:

1. Surrendering jurisdiction of an animal to the state;
2. Cooperation in state-authorized quarantines;
3. Cooperation in identification of rabies cases;

4. Control of the spread of rabies, including the euthanasia of animals in order to test brain tissue.

B. The Town may enter into cooperative agreements with the Wyoming State Department of Health and Social Services regarding the protocol for addressing rabies and potential rabies cases for all animals within the Town, whether the animals are categorized as domestic, domesticated, wild or otherwise categorized. The protocol shall be set forth in an Animal Control Policies, Regulations And Procedures Manual or a manual adopted by an agency authorized by contract with the Town.

C. Where Town law conflicts with state law concerning rabies control, state law shall be controlling.

**6.05.090 Low cost rabies vaccination clinics for dogs and cats.**

The Chief Animal Control Officer may, at the officer's discretion, conduct low cost rabies vaccination clinics for dogs and cats as set forth in an Animal Control Policies, Regulations And Procedures Manual or a manual adopted by an agency authorized by contract with the Town.



## Chapter 6.06

### IMPOUNDMENT

#### Sections:

- 6.06.010 Impoundment procedure.
- 6.06.020 Redemption of impounded animals.
- 6.06.030 Fees.
- 6.06.040 Livestock auction.
- 6.06.050 Adoption.
- 6.06.060 Voluntary release.
- 6.06.070 Tattooing or microchip insertion – Impounded dogs, cats.

#### **6.06.010 Impoundment procedure.**

A. **Animals Running at Large.** Animals found running at large are subject to impoundment by an Animal Control Officer or authorized agent providing animal control contract services to the Town. Animals running at large without identification shall be impounded at the animal control shelter for a period of not less than 72 hours, unless sooner claimed by the owner. Animals with identification which are found running at large in the Town shall be impounded for not less than 120 hours, unless sooner claimed by the owner. Animals not claimed by the owner within the mandatory minimum impoundment period may be held for adoption.

B. **Pursuit of Animals Running at Large.** An Animal Control Officer shall not pursue an animal running at large onto property posted with a “No Trespassing” sign or onto property where the property owner expressly refuses access to the Animal Control Officer. An Animal Control Officer may enter the animal owner’s property to issue an animal running at large citation.

C. **Notification.** The Animal Control Office shall make a reasonable effort to notify the owner of an impounded animal and the conditions under which the owner may retain custody of the animal.

D. **Vicious Animals.** All vicious animals shall be impounded whenever possible and held at the animal control shelter. If the owner of a vicious animal can be located within the holding period set forth in subsection (A) of this section, a hearing before the Mayor or Mayor’s designee may be held to adjudicate the animal as vicious.

#### **6.06.020 Redemption of impounded animals.**

A. The owner is entitled to reclaim possession of an impounded animal, unless otherwise provided by this title, upon the owner’s compliance with the applicable registration and tattooing requirements, and the payment of fees and expenses set forth in this title.

B. The Chief Animal Control Officer may, for good cause, enter into a conditional release agreement with an owner of an animal impounded.

C. Any animal that comes into the custody of the Town of Mills which is not otherwise being held for other reasons and which is found to be duly licensed in accordance with the provisions of these ordinances shall be returned to the lawful owner of the same under those provisions set forth in Section 6.03.050 (F).

**6.06.030 Fees.**

A. The Town adopts the impoundment fees and costs to be charged by the Animal Control Office or shelter or an agency authorized by contract with the Town. Fees shall be set by resolution.

B. Payment of impoundment fees for an animal running at large shall not exceed \$200.00 per animal for the first incident of impoundment, and \$500.00 for any thereafter.

C. The owner of an impounded animal shall be responsible for expenses and costs in addition to the impoundment and boarding fees reasonably incurred by the Town for care and maintenance of the animal, including the expense of contract services provided to the Town.

D. The animal may not be returned to the owner unless and until fees are paid. If the fees are not paid within 120 hours of notice of impoundment to the owner, the animal shall be subject to the adoption and euthanasia provisions of this title at the Chief Animal Control Officer's discretion.

E. The Chief Animal Control Officer may, for good cause, waive a portion of the fees, expenses or costs, and may enter into a payment schedule agreement with an owner.

**6.06.040 Livestock auction.**

The Chief Animal Control Officer may, with Council approval, auction livestock as set forth in an Animal Control Policies, Regulations and Procedures Manual or a manual adopted by a Council-approved agency by contract with the Town.

**6.06.050 Adoption.**

A. In addition to the registration provisions set forth in Chapter 6.03 MILLS TOWN CODE, no dog or cat shall be adopted from the shelter unless the animal is spayed or neutered.

B. The Council hereby adopts the animal adoption fees of \$15.00, or set by resolution.

C. A dog or cat which is at least six months old and is not spayed or neutered when it is adopted shall be spayed or neutered within 30 calendar days of the date of adoption. Dogs and cats which are under six months of age at the time of adoption shall be spayed or neutered within seven months of the date of birth of the dog or cat. The owner of a dog or cat adopted from the shelter shall provide to the Town written proof of having the dog or cat spayed or neutered by a licensed veterinarian within 30 calendar days of the last date the dog or cat is required by this section to be spayed or neutered.

D. An animal may not be adopted from impoundment that shows symptoms of infectious or contagious disease or shows signs of aggression toward humans or other animals.

E. Records of adoptions shall be maintained by the Animal Control Office.

F. The Chief Animal Control Officer may, in the officer's discretion, establish an adoption plan and fee schedule for animals other than dogs or cats.

G. An animal classified as a nuisance, dangerous or vicious may not be adopted from impoundment.

H. Adoption of any impounded animal is at the discretion of the Town.

I. Adoption policies consistent with the provisions of this section may be established by the Council and the Chief Animal Control Officer and set forth in an Animal Control Policies, Regulations and Procedures Manual or a manual adopted by an agency authorized by contract with the Town.

J. Failure to have a dog or cat spayed or neutered as set forth in subsection (C) of this section, or to provide written proof of the spay or neuter, is an infraction.

**6.06.060 Voluntary release.**

A person voluntarily releasing ownership of an animal to the Town shall execute a release of ownership in favor of the Town and pay a fee of \$150.00 per animal. The Chief Animal Control Officer may, for good cause, waive the release fee.

**6.06.070 Tattooing or microchip insertion – Impounded dogs, cats.**

All dogs and cats impounded and released from the animal control shelter, whether by redemption, adoption or otherwise, may receive a tattoo in the right ear with a Town registration number, or a microchip implant approved by the Town. If the animal is being released to the owner and the owner requests to be present, the owner shall be present during the tattooing or insertion of the microchip. The cost of the tattoo or microchip shall be paid by the owner. The Chief Animal Control Officer shall list the fee for a tattoo or microchip implant in a schedule approved by the Mayor or his or her designee. The Town shall assess a fee of \$25.00 to the owner of the animal under all such circumstances in which this section applies

**6.06.080 Feral Cats**

All feral cats which are taken into custody by the Town of Mills from within the boundaries of the Town of Mills which are found to be free of disease and healthy shall be given appropriate inoculations and vaccinations, neutered and appropriately physically marked in a humane fashion so that they may be later identified. They shall then be released to a location at or near where they were originally picked up.

The purpose of this provision is to acknowledge that feral cats provide a service within the town boundaries by reducing rodent and other pest populations and, at the same time, they may be unsuitable for adoption.

## Chapter 6.07

### LIVESTOCK AND BEES

#### 6.08.010 Keeping of Livestock and Bees

Livestock, including Chickens and Farm Fowl, may only be kept in the Town of Mills in accordance with the following provisions.

#### 6.08.020 Livestock other than Chickens.

A. Livestock, except where otherwise provided for in this Title, may be kept and maintained within the Town of Mills only in areas properly zoned for the keeping of the same.

B. Nothing in this Title shall preclude the transit, loading and shipping any such animal or animals, and it shall not be unlawful to keep the same in loading pens, provided that no such animal shall be kept in such pens for a period of no more than twelve hours.

C. Nothing in this Title shall be read to preclude the creation of real property covenants that restrict the keeping of Livestock in areas that are otherwise zoned to allow for their keeping.

#### 6.08.030 Chicken hens.

Chicken hens shall be permitted in association with an occupied single-family residential dwelling/structure as an accessory use, subject to the following regulations:

A. The maximum number of chicken hens permitted shall be six.

B. No roosters shall be permitted:

C. Only chicken hens shall be permitted. Chicken hens may be any breed or crossbreed of chicken.

D. Chicken hens shall be provided with a covered, fully enclosed and predator-resistant coop which is adequately ventilated, designed for easy access for cleaning, and shall consist of an enclosed area (may include the pen) of at least five square feet per chicken hen. Chicken hens shall be protected from predators by being enclosed in the coop from dusk until dawn.

E. During daylight hours, the chicken hens shall have access to the coop/pen at all times. If the chicken hens are permitted outside of the coop/pen, then the area which they have access to must be secured, with a minimum of a six foot high privacy fence, and if necessary, wing feathers shall be clipped to prevent the birds from flying and escaping.

F. The coop/pen shall be cleaned and maintained so as not to cause excessive smells or odors, dust, or attract excessive insects or vermin. The frequency of cleaning shall depend on the number of chicken hens, the type of litter, the area of the coop, and the weather.

G. No butchering of chickens is permitted within the city limits.

H. Coops and pens shall be constructed a minimum of six feet from side and rear property lines and are only permitted in the rear yard of a home. If an alley is located adjacent to the property, the minimum setback for the coop/pen shall be three feet from the alley.

I. It is unlawful for chicken hens to be at large, as otherwise defined in this title. Any chicken hen found to be at large may be taken into possession and impounded by the Town of Mills, and shall be adopted, rehomed or euthanized if not reclaimed within five working days.

J. Chicken hens shall be provided with access to adequate and fresh water at all times, and in a manner to prevent the water from freezing.

K. No coop shall exceed a footprint of sixty square feet or shall exceed a height of seven feet at the highest point of the roof.

L. Chicken feed shall be stored in an airtight, metal container to discourage attracting mice, rats, and other vermin. M.

M. Chicken hens shall be confined in such a fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.

N. The requirements of this section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions on the keeping of chicken hens contained in private covenants. Nothing in this chapter shall affect the authority of any owners' association to adopt and enforce more stringent standards for the keeping of chicken hens, or to prohibit outright the keeping of chicken hens on any property within the jurisdiction of such.

O. Chickens, including roosters, as well as other fowl, may be kept in areas that are zoned as Agricultural and Urban Agricultural in such conditions and numbers that are appropriate for the area. Nothing in this provision shall be read to preclude restrictive covenants from precluding or limiting the keeping of chicken and fowl.

#### **6.08.040 Beekeeping.**

Bees may be kept within the boundaries of the Town of Mills subject to the following provisions.

A. Establishment of Colonies shall be done pursuant to permit authorized by the Town Council of the Town of Mills. No person may establish a Bee Colony without first obtaining a permit pursuant to this section.

#### **6.08.050 Permit Notice and Objection**

A. A person seeking to establish a Bee Colony shall, prior to doing so, provide notice to the Town of Mills Animal Control division and to residents and property owners who reside within 100 yards of the intended location of the Bee Colony ninety (90) days prior to the proposed establishment of said Colony. Said notice shall provide that any person objecting to the establishment of the Colony shall have a right to do so at a Town Council meeting at which consideration of the Permit application shall be considered. The date and time of the Town Council meeting shall be set forth in the Notice.

B. Anyone within the impacted area may object to the issuance of the Permit upon reasonable grounds. In such instances in which an objecting party indicates that they or a member of their household living within the zone required to be provided with notice has an allergy to bees, the Town Council shall not issue the permit.

#### **6.08.060 Conditions and restrictions on beekeeping**

A. Hives. All bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition as described in Wyoming Statutes, Title 11.

B. The applicant shall comply with state regulations regarding the keeping of bees.

C. Setback. All hives shall be located at least ten feet from any adjoining property with the back of the hive facing the nearest abutting private property lines. Hives may be located on the property line abutting alleyways.

D. Fencing of Flyways. In each instance in which any colony is situated within twenty-five feet of a developed public or private property line of the tract upon which the apiary is stated, as measured from the nearest point on the hive to the property line. The beekeeper shall establish and maintain a flyway barrier at least six feet in height, consisting of a solid wall or fence parallel to the property line, and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property in the vicinity of the apiary.

E. Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees, so that the bees will not congregate at swimming pools, bib cocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.

F. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the city manager or his designee.

G. Violation of the regulations set forth can be grounds for seizure of the bees and criminal prosecution by citation or summons in the municipal court. The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited.

#### **6.08.070 – Registry of Colonies**

A. The Town Clerk shall keep a registry of permitted Bee Colonies available for inspection at the office of the Town Clerk. Said registry shall be made available to any person who seeks to see the same during the regular office hours for the Town Clerk.

B. Said registry shall be provided, as additional Bee Colonies are registered, to the Emergency Services branches of the Town of Mills including the Police Department and the Fire Department for the purposes of keeping those entities informed of the same in planning for emergency responses.

## Chapter 6.08

### PENALTIES

#### Sections:

- 6.08.010 Infractions and violations.
- 6.08.030 Forfeiture.
- 6.08.050 Penalties and remedies.
- 6.08.060 Citations for infractions.
- 6.08.080 Civil penalty and statutory injunction.

#### **6.08.010 Infractions and violations.**

A. An infraction is a minor offense which carries no jail sentence and cannot result in the loss of a valuable license. Except as otherwise provided in this title, any person convicted under this title shall be deemed guilty of an infraction and shall be punished by a fine not less than \$50.00, nor greater than \$750.00

B. Unless an offense specifies a mental state as an element of the offense, each and every infraction or violation enacted pursuant to this chapter is a strict liability offense for which the owner of the animal is responsible.

#### **6.08.020 Forfeiture.**

A. Any owner shall forfeit all rights of ownership of an animal if the owner is:

1. Convicted of violating MILLS TOWN CODE 6.01.090;
2. Ordered by the court to forfeit the animal; or
3. Required by the Chief Animal Control Officer to forfeit the animal pursuant to MILLS TOWN CODE 6.01.100(C)(1) or 6.04.040(E).

B. Any person who fails to pay impoundment and boarding fees and other costs and expenses reasonably incurred by the Town for the care and maintenance of an animal may be subject to forfeiture of the person's rights and interest in the animal.

C. Any forfeited animal shall be subject to the impoundment, adoption and euthanasia requirements of this title.

D. An animal forfeited pursuant to this section is immediately subject to subsection (C) of this section. The Chief Animal Control Officer shall serve the owner of an animal subject to forfeiture of this section a written notice of intent to forfeit. The notice shall be served on the owner of the animal by personal service or certified mail. If the owner cannot be served, notice shall be given by publication pursuant to Rule 4 of the Wyoming Rules of Civil Procedure. Within five business days after service, the owner may appeal the forfeiture by appeal with the Town Clerk or agency authorized by the contract with the Town. If the animal owner fails to appeal the forfeiture within five business days, the animal is forfeited to the Town.

E. Forfeiture Appeals. The Town shall appoint the Town Court for the Town of Mills to conduct the forfeiture hearings pursuant to MILLS TOWN CODE 6.08.050. The final decision of the Animal Control Board may be appealed to superior court pursuant to Rule 602 of the Wyoming Rules of Appellate Procedure.

**6.08.040 Penalties and remedies.**

A. Penalties and remedies for violations of this chapter are as provided in Chapter 1.16 MILLS TOWN CODE.

**6.08.060 Citations for infractions.**

A. Citations – Contents. The citation issued for violation of the provisions of this title shall be in writing, state the nature of the violations, name the alleged violator, and contain a notice to answer to the charges against the alleged violator in the Town Court for the Town of Mills, Wyoming. The citation shall further state that the defendant is entitled to a trial, to engage counsel, to confront and question witnesses, to testify, and to subpoena witnesses in the defendant’s behalf. The citation shall also indicate whether a court appearance is mandatory or can be waived, shall state the fine established by Town ordinance, the procedure the defendant must follow in responding to the citation, and the consequences for failure to respond.

B. Issuance. Any Animal Control Officer or other authorized agent of the Town may issue, file and serve citations for violations of the provisions of this title.

C. Disposition. A person issued a citation pursuant to this title has the option of paying the applicable fine to the district court clerk upon entering the plea of “no contest” and waiving appearance in court. The defendant may enter a plea of “not guilty” and request a trial.

D. No Contest and Conviction. Persons who do not contest the citation, who change their original plea of “not guilty” to “no contest,” or persons convicted of the offense charged shall be fined according to the fine schedule for all violations set forth in MILLS TOWN CODE 1.16.030 and for all other violations according to the fine limits set forth in MILLS TOWN CODE 6.07.010.

**6.08.070 Civil penalty and statutory injunction.**

The Town may institute a civil action against any person who violates any provision of this title. In addition to injunctive and compensatory relief, a civil penalty may also be imposed for each violation. An action to prohibit a violation may be brought notwithstanding the availability of any other remedy. On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction. Each day a violation of this title continues constitutes a separate violation.

- No Rabies                      Not less than \$300.00 or more than \$750.00
- Cruelty to Animals        Not less than \$600.00 or more than \$750.00
- No license                     \$120.00