

ORDINANCE NO. 359

AN ORDINANCE PROVIDING FOR THE REGULATION, LICENSING,
AND IMPOUNDMENT OF DOMESTIC ANIMALS. MAKING A VIOLATION
UNLAWFUL AND PROVIDING A PENALTY THEREOF, AND REPEALING
ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, NATRONA COUNTY,
WYOMING:

SECTION 1: DEFINITIONS

As used in this Ordinance the following terms mean:

Abandon - The act of relinquishing the care, custody, and control of an animal without provision for adequate food, water, or shelter. An animal that is left in the Metropolitan Animal Control Facility for the period of time described in Section 3 of this Ordinance shall be deemed abandoned.

Altered - Spayed or neutered.

Animal - Every living dumb creature, domestic or wild.

Animal Control District - The Town of Mills, Wyoming.

Animal Control Officer - Any person designated by the Metropolitan Animal Control or Joint Powers Board as a law enforcement officer who is qualified to perform such duties under the laws of this State.

Animal Control Shelter - Any facility operated by a Municipal agency, joint powers agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Ordinance or State law.

At Large - A dog is deemed at large if it is off the premises of the owner.

Cat - A domesticated feline.

Circus - Any nonresident variety show which features animal acts.

Control - Is deemed to mean an animal which:

1. Is physically capable of hearing normal commands and is obedient to those commands.
2. Is, at the time under consideration, within reasonable proximity to the controller so that shouting or excessively loud commands are not necessary.

Dog - A domesticated canine.

Isolation Facility - Any place specified by an Animal Control Officer, Police Officer, or Natrona County Health Officer which is equipped with a pen or cage which isolates an animal from contact with other animals.

Kennel or Cattery - It shall be unlawful to engage in the business of a kennel or cattery in the Town of Mills which is boarding, breeding, buying, letting for hire, training for a fee, selling dogs or cats. Three (3) or more dogs and/or cats more than six (6) months of age shall constitute a kennel or cattery.

Licensing Authority - Town of Mills.

Owner - Any person, partnership, or corporation, or their agents owning, keeping, or harboring one (1) or more animals. Any animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.

Proper Shelter - Natural or artificial shelter appropriate to the local climatic conditions for the species concerned as necessary for the health of the animal.

Public Nuisance:

1. Any dog or cat which; barks, whines or howls in excessive, continuous, or untimely fashion.
2. Molests people or passing vehicles (including bicycles).
3. When off the premises of the owner, attacks other domestic animals.
4. Trespasses on school grounds or a dog which trespasses on private property without prior permission of the property owner.
5. Damages private or public property.
6. Is an unrestrained female dog or cat in heat.
7. Presents a traffic hazard.

Rabies Certificate - A certificate signed by a licensed veterinarian verifying that an animal is vaccinated against rabies and which includes the date of immunization, the date that the immunization expires, and the type of vaccine used.

Restraint - An animal shall be considered under restraint if it is within the real property limits of its owner or secured by a leash no longer than ten (10) feet in length.

Tattoo - A permanent mark placed on the skin of an animal. This mark must be composed of numerical or alphabetical symbols placed in the animals hind legs or ears. It is the owner's responsibility to keep the tattoo visible and readable, including shaving the tattooed area if necessary.

Theatrical Exhibits - Any exhibition or act featuring performing animals.

Veterinary Hospital - Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

Vicious Animal - Any animal or animals that constitute a physical threat to human beings or other animals. Proof of the fact that a dog or cat has bitten or attacked a person or other animal at any place where that person or animal is legally entitled to be, is prima facie evidence that a dog or cat is vicious.

Wild Animal or Exotic Pet - Any live monkey (nonhuman primate), raccoon, skunk, fox, wolf, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state.

Working Day - A day that the Animal Control Shelter is open to the public.

Zoological Garden - Any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more of nondomesticated animals by a person, partnership, corporation, or government agency.

SECTION 2: LICENSING OF DOGS

A. It is unlawful for any person owning, keeping, harboring, or having custody of any dog over six (6) months of age within this Metropolitan Animal Control District not to obtain a license as herein provided for the dog. This requirement does not apply to dogs whose owners are not a resident of the Metropolitan Animal Control District, or Mills, or to properly trained hearing ear dogs or seeing eye dogs.

B. Dogs must wear valid license tags at all times when off the premises of the owner or bear a tattoo currently registered with the Metropolitan Animal Control Facility or the Town. This does not apply to show animals during competition.

C. Written application for licenses shall be made to the Licensing

Authority which shall include name and address of applicant, description of the animal, the appropriate fee, and a certificate to verify that the animal has been vaccinated against rabies by a licensed veterinarian.

D. The licensing period is the calendar year, commencing January 1 and ending December 31 of the same year or any part thereof.

E. Upon acceptance of the license application and fee, the Licensing Authority or Metropolitan Animal Control shall issue a durable tag, stamped with an identifying number and the calendar year of issuance. If a person chooses to have his dog bear a tattoo rather than wear a license tag, that person shall register the tattoo annually when purchasing a license for the dog.

F. The Licensing Authority or Metropolitan Animal Control shall maintain a public record of the application of all tags issued.

G. A license shall be issued after payment of a five dollar (\$5.00) fee for all unaltered dogs and a three dollar (\$3.00) fee for dogs which are altered.

H. A duplicate tag may be obtained upon payment of a two dollar and fifty cent (\$2.50) replacement fee.

I. No person shall use any license for any dog other than the dog for which it is issued.

SECTION 3: DOGS AND CATS NOT ALLOWED TO BE AT LARGE, UNTAGGED DOGS AND IMPOUNDMENT.

A. It is unlawful for any owner of dog or cat or their agent to allow such dog or cat to be at large.

B. Animal Control Officers have the authority to take possession of and impound any dog or cat at large. When in pursuit of any dog or cat at large, the officer may go onto private property, exclusive of buildings, and take such animal into possession for impoundment.

C. No person may capture, restrain, harbor, or take possession of a dog or cat not owned by said person, unless said person shall notify or deliver the animal to the Metropolitan Animal Control Facility within twenty-four (24) hours. This does not apply to persons who take possession of a dog or cat at the owner's request.

D. If a dog or cat is impounded at the Metropolitan Animal Shelter

with a valid license attached to its collar or has a currently registered tattoo, the Metropolitan Animal Control Facility staff will notify the owner by phone or by mail to the address currently listed on the license application.

E. Dogs and cats impounded at the Metropolitan Animal Control Facility shall be held no less than five (5) working days from the date of impoundment.

F. Any dog or cat surrendered by its owner to the Metropolitan Animal Shelter for adoption shall be held no less than five (5) working days, providing the animal is healthy and adequate cage space is available.

G. The Animal Control Shelter which is notified, or to which an animal is delivered, shall keep a record of each animal, giving a description, the date of impoundment, and the disposition of the animal. The Metropolitan Animal Control Facility is not required to release the names of adoptors of unclaimed stray animals.

H. In the event an owner does not claim a dog or cat within the time period prescribed in this Section, the owner will lose all rights of ownership to said dog or cat.

I. Any dog or cat not reclaimed by its owner within the time period prescribed in this Section shall be deemed abandoned, and shall be placed for adoption in a suitable home or humanely destroyed. No animal surrendered to a Metropolitan Animal Shelter or Humane Society will be released for research purposes.

J. In addition to, or in lieu of, impounding a dog or cat found at large, the Animal Control Officer or Police Officer may issue to the known owner or his agent, a citation or notice of Ordinance violation. A criminal warrant may be initiated before the Municipal Judge in the event the owner or his agent fails to appear as stated in the citation or notice or fails to post an appropriate bond in lieu thereof.

K. The owner of an impounded dog or cat shall pay the Metropolitan Animal Control Facility a boarding fee for each day or fraction of a day that the animal was impounded.

L. The Metropolitan Animal Control Facility may release an impounded dog or cat to its owner or a representative of the owner if:

1. The person to whom the dog or cat is released presents a valid form of identification, including name, address, phone number and signs a statement agreeing to license the dog and vaccinate the dog or cat against rabies (unless evidence is present that proves the animal is currently vaccinated against rabies),

and to alter the animal within two (2) months of adoption at the persons expense. If the dog or cat is not old enough to be altered within two (2) months of adopting, the dog or cat must be altered no later than eight (8) months of age.

2. The person to whom the dog or cat is released, if required by the Metropolitan Animal Control Facility, pays any required adoption fee or boarding charges.
3. In the event an adoptor does not abide by the signed agreement, the Metropolitan Animal Control Officers may reclaim the dog or cat and the adoptor will forfeit any fee paid for the animal. When reclaiming a dog or cat, Animal Control Officers may go on to private property, exclusive of buildings.

SECTION 4: CRUELTY TO ANIMALS

A. No person shall override, overload, drive when overloaded, overwork, torture, or torment an animal or deprive an animal of necessary sustenance.

B. No person shall unnecessarily or cruelly beat, mutilate, or kill an animal.

C. No person shall cause, instigate, be a spectator at, or permit a dogfight, cockfight, bullfight (bloodless or otherwise), or other combat involving animals.

D. No person shall abandon any animal.

E. No person shall sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl, or rabbits under eight (8) weeks of age as pets, toys, premiums, or novelties or color, dye, or transport the same into the Animal Control District. Chickens, ducklings, and geese younger than eight (8) weeks of age may not be sold in quantities of less than twenty-five (25) to a single purchaser.

F. No person shall fail to provide his/her animal with sufficient good and wholesome food and water, proper shelter to protect it from the weather (including sunlight), veterinary care when needed to prevent suffering, and with humane care and treatment.

G. No person shall willfully maim or disfigure any domestic or wild animal or administer poison, or cause to be ingested any foreign object, to any such animal or expose any poisonous substance with the intent that it shall be taken by any animal except pests of public health concern. The provisions of this section do not in any way limit the right of a Police Officer or Animal Control Officer to kill any wild or domestic animal if said officer determines that there is a reasonable danger to the public safety or to carry

out the purposes of this Ordinance.

H. No person shall give away, offer for sale, or barter any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game or competition, or as an inducement to enter a place of amusement or business, or offer such vertebrate as an incentive to enter any business agreement whereby the offer was the purpose of attracting trade.

I. A law enforcement officer, or an Animal Control Officer, may remove, shelter, and care for any animal found to be cruelly exposed to the weather, starved, or denied adequate water, neglected, abandoned, or otherwise treated in a cruel manner and may deliver such animal to another person to be cared for and given medical attention, if necessary. In all cases, the owner, if known, shall immediately be notified and such officer, or other person having possession of the animal, shall have a lien thereon for its care, keeping and medical attention, and expense of notice. If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days notice, redeem the animal by paying the expenses incurred, it may be treated as abandoned and dealt with as provided in Section 3.

J. Whenever, in the opinion of any law enforcement officer, Animal Control Officer, or County Health Officer, any animal is suffering from distemper, parvo virus or other serious disease, or is severely maimed and suffering from injury, it shall be lawful for such officer to kill such animal after consulting with a licensed veterinarian. If the animal is licensed or tattooed, an attempt to notify its owner shall be made before the animal is killed. The above mentioned officers or designees may kill an animal without consulting with a licensed veterinarian or an owner if it is considered an emergency situation to relieve the animal from undue suffering. The owner thereof shall not recover damages for the killing of such animal unless he/she shall prove that such killing was unwarranted.

K. It is unlawful to annoy, bait, harass, torment, or tease any confined or chained animal.

L. It is considered cruel, and therefore unlawful for a person to leave a dog or cat unattended in a motor vehicle when the temperature is 70° F. or above, unless, in the opinion of the officer, adequate ventilation and water is provided.

M. No person shall carry an animal in a motorized vehicle in a cruel or inhumane manner.

N. An Animal Control Officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence.

SECTION 5: ANIMAL WASTE

A. It shall be the responsibility of the owner of a dog to keep his property free and clear of animal waste so as not to present a potential danger to the public health as determined by the County Health Officer or his designee. If the determination is made that a situation exists which is potentially dangerous to the public health, a notice of Ordinance violation may be issued, and upon conviction the owner shall be punished as provided in Section 12 of this Ordinance.

B. The owner of every dog or cat shall be responsible for the removal of any excreta deposited by his/her animal on public walks, recreation areas, or private property.

SECTION 6: HABITUALLY DESTRUCTIVE DOGS OR CATS TO BE DESTROYED OR RELOCATED

No owner shall fail to exercise proper care and control of his/her dogs or cats to prevent them from becoming a public nuisance, as provided in Section 1. Any dog or cat which is the subject of three (3) violations of Section 1 within a one (1) year period, shall be, on the third time, declared a habitual public nuisance, and upon determination thereof by the court, the owner shall be required to have the dog or cat destroyed or relocated. The owner shall have ten (10) days from the date of notification to relocate said dog or cat outside the Animal Control District. At the end of this period, if that dog or cat is not relocated, the dog or cat shall be humanely disposed of by the Law Enforcement Officer or Animal Control Officer.

SECTION 7: VICIOUS DOGS TO BE MUZZLED AND SECURED: KILLING DOGS IN VIOLATION OF SECTION

A. No person shall have, keep, harbor, or allow to be upon any premise occupied by him/her or in or under his/her charge or control, any vicious dog, or any dog that may manifest a disposition to bite anyone, without having the dog properly restrained to prevent the dog from inflicting damage upon any person or property. When off the premises of its owner, said dog shall be securely caged or muzzled. If under the provisions of this Section, upon

conviction of a person for harboring a vicious dog in violation of this Section it shall appear to the court that the dog is living, the court may, in addition to the punishment provided for violation of this Section, order the Animal Control Officer or any Officer to forthwith cause such dog to be humanely killed, and for that purpose any such officer charged with such duty shall have the right to enter upon any premises within the Animal Control District.

B. Any dog or cat of a vicious nature found upon any property, public or private, not the premises of the owner, may, if such animal cannot be safely taken up and impounded by reasonable means, be destroyed by the Animal Control Officer or any Police Officer.

SECTION 8: ANIMAL BITES AND RABIES CONTROL

A. The owner of a dog or cat shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat reaches six (6) months of age. If the owner obtains the dog or cat or brings the dog or cat into the Metropolitan Animal Control District after the dog or cat reaches six (6) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat was obtained or brought into the Metropolitan Animal Control District unless the dog or cat has been vaccinated as evidenced by a current certificate or rabies vaccination from this State or another state. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within one (1) year after the previous vaccination.

B. The owner shall pay the cost of the rabies vaccination.

C. A Law Enforcement Officer, an Animal Control Officer, or a Natrona County Health Officer or his designee, may order a dog or cat quarantined if the officer has reason to believe the animal bit a person, is infected with rabies, or has been in contact with a rabid animal. If a quarantine cannot be imposed because a dog or cat cannot be captured, the officer may kill the animal. The Officer may kill a dog or cat only as a last resort or if the owner agrees. The Officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. After the animal is dead, the head is severed from the body and sent to the State Laboratory for examination.

D. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no longer than twenty-four (24) hours after the original order is issued. If the animal is currently immunized against rabies and was not off the premises of the owner at the time of the bite, the officer may order the animal quarantined on the owner's premises.

E. The custodian of an isolation facility, or the owner, shall keep the dog or cat which is ordered to be quarantined in strict isolation under the supervision of a veterinarian. Supervision of a veterinarian for animals ordered quarantined on the owner's premises shall include examination by the veterinarian within twenty-four (24) hours of the bite and on the tenth day of quarantine. If the observation period is not extended, and if the veterinarian certifies that; the dog or cat has not exhibited any symptoms of rabies, the animal may be released from quarantine at the end of a ten (10) day observation period.

F. If the veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the Natrona County Health Department, and the officer who ordered the animal quarantined and the officer or veterinarian shall humanely kill the animal. If the dog or cat has bitten a person, the Natrona County Health Department shall notify the person's physician.

G. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination, and the fee for the laboratory examination. If the owner is unknown, the Joint Animal Control Program is responsible for these expenses.

H. An owner who refuses to have a dog or cat vaccinated against rabies as required in this Ordinance may be required to forfeit not less than twenty-five (\$25.00) nor more than one hundred dollars (\$100.00).

I. An owner who refuses to comply with an order issued under this Section to deliver an animal to an officer, isolation facility, or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, shall be fined not less than one hundred dollars (\$100.00) nor more

than seven-hundred fifty dollars (\$750.00) or imprisoned not more than sixty (60) days or both.

J. Any person having knowledge that an animal has bitten a human shall immediately report that incident to the Animal Control Officer of the Natrona County Health Officer together with the name and address of the person or persons bitten, if known.

SECTION 9: HARBORING OR OWNERSHIP OF WILD ANIMALS DECLARED UNLAWFUL

It shall be unlawful for any person to own any wild animal or exotic pet within the Town limits of the Town of Mills, except that this Section shall not apply to the keeping of small-cage birds or aquatic, amphibian, or nonpoisonous reptilian animals or such small rodents as hamster, guinea pigs, or gerbils solely as pets, nor to any zoological garden, theatrical exhibit, or circus as defined in Section 1 of this Ordinance, nor to any legally incorporated college, university, or school, nor to any private or governmental research laboratories.

It shall be unlawful for any person to keep or harbor bees in the Town of Mills.

SECTION 10: REMOVAL OF DEAD ANIMALS FROM STREETS AND PUBLIC AREAS

A. It shall be the duty of the Animal Control Officer to remove from the streets, alleys, and public places within the Animal Control District all dead dogs, cats, and other animals and shall notify the owner, if known.

B. It shall be the duty of the owner to dispose of his/her own animals from his/her private property.

SECTION 11: ENFORCEMENT

The Civil and Criminal provisions of this Ordinance shall be enforced by the Metropolitan Animal Control Department and those persons or agencies designated by the Town of Mills. It shall be a violation of this Ordinance to interfere with an Animal Control Officer in the performance of his/her duties, or fail to obey an order of an Animal Control Officer.

SECTION 12: PENALTIES

A. Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished as provided in Section 1.01.115 of the Mills Municipal Code. If any violation be continuing, each day's violation shall be deemed a separate offense.

B. Upon conviction for violation of any provisions of this Ordinance a minimum fine of twenty-five dollars (\$25.00) shall be levied by the court except as provided in Subsection C of this Section.

C. If a person is convicted of a violation of Section 3 within one year of a prior conviction of said Section, a minimum fine of fifty (\$50.00) shall be levied by the court.

SECTION 13: REPEALING CLAUSE

Ordinance No. 185 of the Mills Municipal Code and all other Ordinances of the Mills Municipal Code in conflict herewith are hereby repealed.

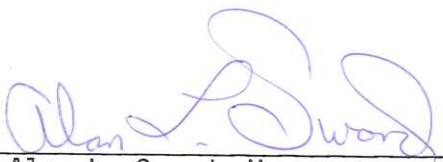
SECTION 14: SEVERABILITY CLAUSE

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

PASSED ON FIRST READING THE 4th DAY OF April, 1984.

PASSED ON SECOND READING THE 9th DAY OF May, 1984.

PASSED ON THIRD AND FINAL READING THE 6th DAY OF November, 1985.

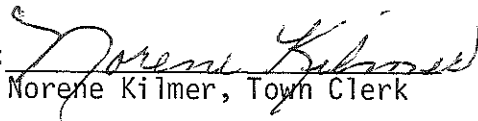
Signed 
Alan L. Sword, Mayor

Seal

Attest: 
Norene Kilmer, Town Clerk

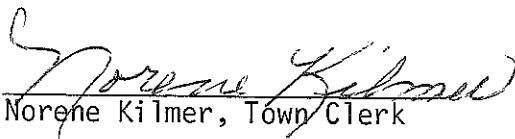
I, Norene Kilmer, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 359 entitled "AN ORDINANCE PROVIDING FOR THE REGULATION, LICENSING, AND IMPOUNDMENT OF DOMESTIC ANIMALS. MAKING A VIOLATION UNLAWFUL AND PROVIDING A PENALTY THEREOF, AND REPEALING ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH " Passed on Third Reading by the Town Council of the Town of Mills, Wyoming, at a regular meeting held at the Council Chambers on the 6th day of November, 1985.

(Seal)

Sign: 
Norene Kilmer, Town Clerk

I, regularly appointed, duly qualified and acting Town Clerk of the Town of Mills, Wyoming, do hereby certify that signed, attested, sealed and certified copies of this Ordinance No. 359 approved and passed by the Town Council, posted in the Town Clerk's office and the Mills Post Office for a period of ten (10) days as required by law; that it took effect and became in force as a legal Ordinance of the Town of Mills, Wyoming, on the 1 day of December, 1985.

(Seal)

Sign: 
Norene Kilmer, Town Clerk