

TITLE 9

ANIMALS

Chapters:

9-5 Animals

CHAPTER 5

ANIMALS

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9-5-100. Definitions. As used in this Chapter, the following terms shall have meanings as indicated:

(a) "Animal" shall mean any and all types of animals, both domesticated and wild, male and female, singular and plural.

(b) "At Large" shall mean off the premises of the owner or custodian of the animal or fowl, and not under the immediate control of the owner or custodian.

(c) "Feral cat" shall mean wild, untamed, unsocialized cats, unaccustomed to human contact.

(d) "Fowl" shall mean any and all fowl, domesticated and wild, male and female, singular and plural.

(e) "Owner" means any person or legal entity having a possessory property right in an animal or fowl or who harbors, cares for, exercises control over, or knowingly permits any animal or fowl to remain on premises occupied by them.

(f) "Unconfined vicious dog" shall mean a vicious dog which is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of said vicious dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet.

(g) "Vicious" dog as the term is used in this Chapter shall mean:

(1) Any dog with a propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any dog which attacks a human being or a domestic animal on two or more occasion without provocation; or

(3) Any pit bull terrier which is defined as any Staffordshire Bull Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of Staffordshire Bull Terrier or American Staffordshire Terrier by a qualified veterinarian duly licensed as such by the State of Wyoming.

(Ord. 6-11, 2006; Ord. 89-8, 1989)

9-5-110. Animals and Fowl at Large. No person owning or having in his custody dogs, animals or fowl shall permit the same to go at large to the injury or annoyance of others, nor shall such dogs, animals or fowl be permitted at large upon the streets or other public ways of the Town. Such action is hereby declared to be a nuisance and dangerous to the public health and safety. (Ord. 101, §4-302, 1972; Ord. 32, §1, 1935; Ord. 35, 1919; Ord. 32, 1916; Ord. 10, 1913)

9-5-120. Animal Shelter. The Mayor, with approval of the Town Council, is hereby empowered to appoint a person who need not reside or do business within the Town limits, for the management of an animal control shelter. The person may be a licensed veterinarian and may be hired as an employee or an independent contractor and shall be compensated accordingly. (Ord. 91-4, §1, 1991; Ord. 101, §5-303, 1972)

9-5-130. Animal Control Officer Authority. The Town of Big Piney is empowered to hire an animal control officer who may either be a Town employee or an independent contractor. The animal control officer shall be empowered to issue citations and written warnings for violations of the animal control ordinances in Title 9, Chapter 5. The citation may allow for a bond schedule or an optional or mandatory court appearance before the Municipal Judge. The animal control officer shall not have the power to arrest or detain persons. Additionally, the animal control officer may impound and have destroyed any loose or stray animals or fowl as hereinafter set forth. (Ord. 91-4, §2, 1991; Ord. 32, §2, 1935)

9-5-140. Impoundment.

(a) Every dog, cat, or other animal or fowl kept in the Town of Big Piney shall be restrained. Any unrestrained animal or fowl or unlicensed animal may be taken by an Animal Control Officer or any law enforcement officer to the impoundment area designated by the Town Council.

(b) Any animal observed by law enforcement or an Animal Control Officer to be in immediate danger of death or serious injury may be removed from such situation by the quickest and most reasonable means available.

(c) Animals found in cruel, abusive or neglect situations or animals that have been abandoned may be promptly impounded if no immediate contact with a responsible person can be made, provided, however, that the Animal Control Officer shall leave written notice stating the location of the animal and the reason for impoundment.

(d) Any animal or fowl so taken shall be confined in a humane manner not less than 72 hours, unless claimed by the owner. If the owner can be identified and located, an Animal Control Officer shall immediately make a reasonable effort to notify such owner to reclaim the impounded animal or fowl. If said animal or fowl is not claimed by the owner within 72 hours, it may be humanely destroyed or placed for adoption. All animals adopted from impoundment shall be surgically altered to prevent breeding.

(e) If an impounded animal has an injury, illness, or condition causing severe pain or distress, to the extent that the usual holding period would be inhumane, the animal may be immediately euthanized. Feral cats, because of the psychological stress of confinement, may fall into this category.

(f) Notwithstanding the holding periods set out above, quarantined animals must be held ten days from the date a bite occurred.

(g) For the first impoundment, an owner reclaiming an unsterilized animal shall pay a fee of \$ _____; if the animal has been surgically altered, the fee shall be waived. If the same animal is impounded a second time, the fee will be \$ _____. To reclaim an animal that has been impounded three or more times, the fee is \$ _____ each time. These fees are in addition to board costs as provided in § 9-5-160 of this chapter. Purchase of a current license shall be required before any impounded animal is released to an owner.

(h) Upon reclaiming an impounded animal, the owner shall show proof of a valid rabies vaccination. If proof of the vaccination cannot be provided, the owner shall provide proof of rabies vaccination within 10 days. (Ord. 6-12, 2006; Ord. 91-4, §3, 1991; Ord. 101, §5-308, 1972; Ord. 35, §2, 1919; Ord. 32, 1916)

9-5-150. Return To Owner. If the officer has, or with reasonable dispatch can obtain, the name of the owner or custodian of the animal or fowl, he will return it to the residence of said person. If there is no one at the address, he will leave a notice where the owner or custodian may reclaim the property. If the owner is not known and cannot be determined with reasonable inquiry, a picture may be taken of the animal and posted in the Town Hall. (Ord. 91-4, §4, 1991; Ord. 101, §5-306, 1972)

9-5-160. Owner To Pay Board and Costs. The owner or custodian who redeems an animal or fowl from the animal shelter will pay a boarding bill on a per diem basis together with any other costs incurred therein. The boarding rates and other costs shall be agreed upon by the Town and the person managing the animal shelter. The costs in addition to the per diem boarding rate for which the owner or custodian is liable shall include but not be limited to rabies vaccination and necessary health care. An owner who does not redeem his animal shall still be liable for all boarding fees, the costs to include euthanasia costs. (Ord. 91-4, §5, 1991; Ord. 101, §5-307, 1972; Ord. 32, §3, 1935; Ord. 35, §5, 1919)

9-5-170. Animal License Fee. Any person living within the limits of the Town of Big Piney who shall keep a dog or cat, shall after the first day of April, 1991, and each year hereafter, pay an annual license fee. Said license fee shall be set by resolution of the Town Council and the fee may vary for the type of animal, its gender and whether the animal has been spayed. Additionally, the Town Council may determine at a later time that a license fee is appropriate for other types of animals in which case a license fee shall be required for those animals. Upon payment of the annual license fee, the Town Clerk shall issue a metal plate or tag with each license which tag shall bear the number of the license and the date and year of issuance. The owner shall attach the tag to a collar which shall be worn by the licensed animal. (Ord. 91-4, §6, 1991; Ord. 101, §5-310, 1972; Ord. 68, 1960; Ord. 53, 1952; Ord. 10, 1935; Ord. 10, 1913)

9-5-180. Rabies Vaccination. All dogs, cats, and any other animals designated by the Town Council shall have and maintain a current rabies vaccination. Proof of rabies vaccination shall be a condition precedent to receiving a Town animal license. (Ord. 91-5, 1991; Ord. 91-4, §7, 1991)

9-5-190. Barking Dogs. It shall be unlawful for any person who is the owner of a dog to allow it, while upon premises occupied by the owner, to bark during the hours of 6:00 p.m. to 6:00 a.m. The testimony of any law enforcement officer that he has received prior complaints of this nature within 30 days of the date of the incident which gives rise to the filing of a complaint in the municipal court, shall be admissible in evidence to show the propensity of the person charged to knowingly permit the disturbance to occur. (Ord. 101, §5-314, 1972)

9-5-200. Animals on Unenclosed Properties. It is unlawful for any person to chain, stake out, graze or herd any animal on any unenclosed premises or to keep an animal in enclosed premises in such a manner that such an animal may go beyond the owner's property line. Any animal maintained in violation hereof shall be impounded. (Ord. 98-8, 1999)

9-5-210. Unconfined Vicious Dog on Premises of Owner.

(a) No person owning or harboring or having the care of a vicious dog shall suffer or permit such animal to go unconfined on the premises of such person.

(b) When the animal is being restrained upon the premises of the owner or custodian, it must not be able to enter upon premises or property, including sidewalks or other premises of another.

(c) Any animal enclosed within the automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner's or custodians premises. (Ord. 89-8, 1989)

9-5-220. Vicious Dog Off Premises. No person owning or harboring or having the care of a vicious dog shall suffer or permit such dog to go beyond the premises of such person unless the dog is securely leashed and muzzled, except that a vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Town Council. (Ord. 89-8, 1989)

9-5-230. Violations and Penalties. Whoever violates the provisions of this Chapter shall be fined not more than \$750.00. In addition, a vicious dog which attacks a human being or another domestic animal may be ordered destroyed when in the Court's judgment such vicious dog represents a continuing threat of serious harm to human beings or domestic animals. In addition, any person found guilty of violating this Chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of any dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog. (Ord. 98-15, 1999; Ord. 89-8, 1989)

9-5-240. Need To Destroy Animals. Animals which cannot be brought to an animal shelter or impounded because of inability of the officer to extricate or capture an animal which the officer has reasonable cause to believe may be vicious, dangerous or infected with any dangerous or incurable diseases or in any painfully crippled condition, shall be destroyed by shooting by a peace officer. (Ord. 98-9, 1999)

9-5-250. Bond Schedule and Court Appearance. The bond schedule for any violation of the provisions of 9-5-100 through 9-5-220 shall be as follows:

First Offense	\$25.00
Second Offense	\$50.00
Third Offense	\$75.00
Fourth and Subsequent Offense	Mandatory Court Appearance before Municipal Judge.

Notwithstanding the above, the animal control officer may require a mandatory court appearance for a first, second or third offense should the conditions warrant it. (Ord. 91-4, §12, 1991)