

ORDINANCE 2019-148

An Ordinance of the Town of Rolling Hills Pertaining to Animal Control and Rescinding Ordinance 1989-39, Ordinance 1989-40, and Ordinance 1994-51 In Their Entirety, and Any Other Ordinances or Resolutions Heretofore Passed and Adopted that Directly Contradicts Any of the Contents Herein

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ROLLING HILLS, WYOMING:

Section 1 – Scope and Applicability

This ordinance shall apply to animals and those persons owning or possessing those animals and shall be effective within the corporate limits of the Town of Rolling Hills.

Section 2 – Definitions

For the purposes of this ordinance, the following terms shall have the following definitions, unless the context of any particular rule or regulation requires otherwise:

- A. Abandoned. An animal that is deserted, forsaken and left without needed protection, care or support.
- B. Animal. Any live vertebrate creature, domestic or wild.
- C. Animal Control Facility. A facility owned or operated for the purpose of impounding or caring for animals under authority of law.
- D. Animal Control Officer. Any person appointed by the Town of Rolling Hills, designated by contract or acting as a law enforcement officer who is authorized to enforce the provisions of this ordinance.
- E. At Large. Not under restraint.
- F. Fowl. A domestic or barnyard hen, rooster, chicken, duck, turkey, goose, swan, pheasant, or peacock.
- G. Kennel. Any place where more than four dogs are possessed, kept, harbored, sheltered or fed. For the purposes of this definition, a dog shall not include un-weaned puppies.
- H. Leash / Lead. A thong, cord, rope, chain or similar device which holds an animal in restraint and which is not more than 10 feet in length.
- I. Owner. The person named on the registration of any animal as the owner shall be deemed prima facie, the owner thereof. The term owner shall also include, but shall not be limited to, the occupant of the premises or the dwelling where a particular animal is usually kept even if such premises are other than the premises of the owner as shown on the registration record; or any person having control or purporting to have control over any animal that is running at large; or any person, partnership or corporation in possession of an animal, harboring an animal or who shall allow an animal to remain about their premises for a period of three consecutive days or more. The parent or guardian of a minor owner shall also be deemed to be an owner for the purposes of this ordinance.
- J. Public Nuisance. Any animal or animals that:
 - 1. Harasses passersby or passing vehicles; or
 - 2. Attacks other animals; or
 - 3. Damages private or public property; or
 - 4. Barks, whines, howls or makes any other noise in an excessive, continuous or untimely fashion.
- K. Restraint. The act of having any animal:
 - 1. Secured by a leash or lead under the control of a responsible person; or

2. Tethered to a stationary object not within range of a public street, alley, sidewalk or common path; or

3. Within a fence or other enclosure which restrains the animal to a particular premises.

L. Vicious Animal. Any animal or animals that constitute a physical threat to human beings or other animals. For the purpose of this ordinance, an animal which, not having been provoked, bites, scratches, kicks or otherwise attacks a human being or another animal shall be deemed to be a vicious animal.

Section 3 – Licensing

Every dog six months of age or older must be licensed by their respective owner as herein provided.

A. Dog licenses shall be issued by the town clerk. Dog licenses shall only be issued upon payment of the appropriate license fee as set out by resolution.

B. Every applicant shall state upon forms provided for the purpose:

1. His or her name and address;

2. The name, breed, color and sex of the animal to be licensed;

3. Whether the animal to be licensed has been neutered or spayed.

C. Every applicant shall present a certificate signed by a licensed veterinarian that the animal to be licensed is currently immunized against rabies.

D. Each license shall be valid for one full year from the date in which it is issued. Every applicant for a license shall be required to pay the full license fee for the year of issuance.

E. A duplicate license may be issued upon the payment as set out by resolution.

F. Licenses issued pursuant to this section are not transferable and all license fees collected hereunder are nonrefundable.

G. Any other animal of an owner's choosing may also be licensed through the Town pursuant to the procedures set out above.

Section 4 – Tag and Collar

Upon payment of the appropriate license fee, each applicant for a license shall receive a license certificate and a metallic tag which shall bear the same number. Every owner shall provide each licensed dog with a collar to which the metallic tag must be affixed.

Section 5 – Rabies

Every dog four months of age or older must be vaccinated against rabies. A rabies vaccination for a dog must be renewed a minimum of every three years. Any animal suspected of being rabid shall be reported to an animal control officer, a peace officer, or to a public health authority.

Section 6 – Reporting Animal Bites; Quarantine of Biting Animals

A. Any person having knowledge that an animal has bitten a human shall immediately report the incident to the animal control officer or to a law enforcement officer, together with the name and address of the person or persons bitten, if known.

B. A law enforcement officer, an animal control officer, or a county health officer or his designee may order an animal 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 the animal cannot be captured after due diligence, the officer may kill the

animal. The officer may kill the animal 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 that avoids damage to the animal's head. After the animal is dead, the head is to be severed from the body and sent to the State Laboratory for examination. In addition, a law enforcement officer, an animal control officer or a county health officer or his designees may kill an animal and have it examined for the purpose of determining whether or not it has been infected with rabies if the animal has not been vaccinated as provided in this Ordinance, he or she has a reason to believe the animal has been exposed to or in physical contact with a rabid animal, and he or she has reason to believe the animal has been in physical contact with humans.

C. An officer who orders an animal 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 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.

D. The custodian of an isolation facility, or the owner, shall keep the animal 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 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 animal has not exhibited any symptoms of rabies, the animal may be released from quarantine at the end of a ten-day observation period.

E. If the veterinarian determines that the animal exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the county health department and the officer who ordered the animal quarantined, and the officer or veterinarian shall humanely kill the animal. If the animal has bitten a person, the county health department shall notify the person's physician.

F. 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 Town is responsible for these expenses.

G. An owner who refuses to have an animal vaccinated against rabies as required by this Ordinance may be required to forfeit not less than twenty-five dollar nor more than one hundred dollars.

H. 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, nor more than seven hundred fifty dollars, or imprisoned not more than sixty days, or both.

Section 7 – Confinement of Certain Animals

A. Every animal in the town shall be kept under restraint at all times. Failure of an owner to keep an animal under restraint shall be deemed to be a violation of this ordinance.

B. The town council may designate special areas within the town in which an animal may be unleashed during a controlled period of time so long as a person who is with said animal can and does reasonably and responsibly control said animal.

C. Every female animal that comes into estrus shall be restrained in a building or other secure enclosure in such manner that such animal cannot come into contact with any other animal except for planned breeding.

Section 8 – Impoundment

A. Animals at large, maltreated animals, rabid animals, vicious animals and/or animals creating a public nuisance may be taken by law enforcement personnel or the animal control officer and impounded in an animal control facility, there to be confined in a humane manner.

B. Animals at large which are not maltreated, rabid or vicious and which are wearing current rabies tags and registration tags may be returned directly to the owner and the owner may be issued a citation for violations of this ordinance.

C. Impounded animals which are seriously injured or ill and have no current rabies or registration tags may be destroyed upon the recommendation of a veterinarian if no owner is located.

Section 9 – Notice of Impoundment

A. Actual notice of impoundment of an animal wearing a current registration or rabies tag or other identification shall be given to the owner thereof within twenty-four hours of impoundment by telephone or by delivering the same in person to such owner at the address reflected on said registration or identification or rabies document.

B. When actual notice cannot be made to an owner within twenty-four hours, or when the animal is unidentified, written notice shall be posted at the animal control facility and through social media and website of the Town and any other appropriate agency within thirty-six hours of impoundment, giving a summary description of the animal so held. Notice shall be mailed to the owner at his place of residence, if possible.

C. The notices required by this section shall be given by the animal control officer, by his designee, by appropriate law enforcement, or by a Town Official.

Section 10 – Duration

Any animal not reclaimed by its owner within ten business days of the initiation of impoundment shall become the property of the animal control facility and shall be placed for adoption in a suitable manner or humanely euthanized.

Section 11 – Release of Detained Animals

A. An owner reclaiming an animal being held shall pay accrued daily boarding fees of the particular facility in which the animal was held. Said fees will be paid to the facility. If the owner is unknown and the animal is unclaimed, the Town is responsible for these expenses. If the animal is adopted, the person adopting said animal is responsible for these expenses.

B. An owner reclaiming a dog being held that is not validly licensed must license the dog and present evidence thereof to the person in charge of the animal holding facility within five days. If the dog does not have a current rabies tag, the owner, prior to the animal's release, shall present a current rabies vaccination certificate for such animal.

C. In any case, the owner of the reclaimed animal may, in addition to reclamation and boarding fees, be subject to criminal fines as authorized by this ordinance.

D. If any animal is not redeemed from the animal holding facility in the manner and time provided by this ordinance, it shall become the property of the facility and may be placed for adoption or may be humanely euthanized.

Section 12 – Animal Wastes

A. A person keeping, possessing or harboring any animal shall promptly remove and dispose of, in a sanitary manner, feces left by the animal on any private or public property not owned or lawfully occupied by said person.

B. It shall be the responsibility of the owner of an animal to keep his property free and clear of animal waste so as not to present potential harm to the public health or the health of the animal as may be determined by the animal control officer, law enforcement officer, public health officer or their designees.

Section 13 – Cruelty to Animals

A. No owner shall abandon any animal. If an animal is found to be abandoned, the animal may be placed in the care of an animal control facility and subject to Section 11 of this ordinance.

B. No owner shall fail to provide any animal with sufficient, good and wholesome food and water, proper shelter and protection from weather, veterinary care when needed to prevent suffering, and humane care and treatment. All food provided to animals shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

C. If a shelter with a chain is used as a primary enclosure for an animal kept outdoors, the chain shall be so placed or attached so that it cannot become entangled with the chains of other animals or any other object. Such chain shall be at least three times the length of the animal and shall allow the animal convenient and safe access to shelter, food and water.

D. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination and to reduce disease, hazards and odors.

E. No person shall cause or permit any dogfight, cockfight, bullfight or any other combat between animals. No person shall keep or train any animal with the intent that it shall be engaged or used in an exhibition of fighting. All animals so kept or trained may be seized by law enforcement or animal control and treated as though the animal had been abandoned. Any cost incurred in this regard shall be borne by the person convicted under this section.

F. No person shall leave an animal unattended in a vehicle without proper ventilation, nor shall any animal be exposed to extreme temperatures which could adversely affect the animal's health and welfare.

G. A law enforcement officer, the animal control officer and town code enforcement or official may go onto private property, exclusive of buildings but including vehicles, to remove any animal which is not provided with proper shelter, food or water, or to assist any animal that is subject to any portion of this Section 13.

H. Unless specifically authorized by law, no person shall willfully maim or disfigure any domestic or wild animal or expose any animal to a poisonous substance with the intent that it shall be taken by an animal except for purposes of rodent control. 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.

Section 14 – Capture and Trapping

A. No traps shall be used for the capture of any animal, domestic or feral, by any person other than a law enforcement officer, animal control officer, or member of a humane society.

B. Only humane live box traps will be used in the trapping of any animal.

C. Traps must be checked every four hours unless they are set in such a manner as to provide proper shelter once the animal is confined.

D. Captured animals must be turned over to the animal control facility or a humane society as soon as reasonably possible, or may be returned to the owner, if known.

E. A law enforcement officer, the animal control officer, code enforcement or Town Official may go onto private property, exclusive of buildings, to remove a trapped animal which is not provided with proper shelter, food or water.

Section 15 – Prohibited Animals

No person shall bring into, keep, maintain, offer for sale or barter or release anywhere in town, any of the following animals: any poisonous or venomous biting, spitting or injecting species of amphibian, arachnid, or reptile, including snakes; and any wild or big game animals as defined by the Wyoming Game and Fish or other governing authority, including bison. This shall not prohibit a circus or other entertainment organization, an educational organization or their agents from keeping such animals for a limited time where the same is securely and humanely confined.

Section 16 – Harassment of Confined Animals

Any animal confined by a fence, leash, rope, chain or other type of restraint upon the premises of its owner shall be safe from annoyance and harassment and it shall be unlawful for any person to intentionally tease, harass, annoy or disturb any animal so confined.

Section 17 – Kennels Prohibited; Restriction on the Number of Allowable Animals

A. The maximum number of animals on any one property shall be as follows:

1. Four (4) dogs
2. Fifty (50) fowl

B. No person shall keep or maintain a kennel within the boundaries of the Town.

Section 18 – Entry to Private Property

In the enforcement of any of the provisions of these regulations, a law enforcement officer, animal control officer, code enforcement or Town Official may enter upon the premises of any person to seize and impound any animal found to be the subject of any violation of this ordinance.

Section 19 – Violations and Penalties

It shall be unlawful and a misdemeanor for any person to violate any provision of this ordinance. Upon conviction, any person found violating this ordinance may be fined in an amount not to exceed \$750, unless otherwise specifically noted elsewhere in this Ordinance.

Section 20 – Severability

If for any reason any part, section, subsection, sentence, clause or phrase of this ordinance, or the application thereof to any person or circumstance, is found to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

1st Reading April 16, 2019

2nd Reading May 7, 2019

Public Hearing May 21, 2019

3rd Reading May 21, 2019

STATE OF WYOMING)
) ss
COUNTY OF CONVERSE)

I, Jon Maines, Mayor of the Town of Rolling Hills, Wyoming, do hereby proclaim that the above and foregoing Ordinance of said Town of Rolling Hills was, on the dates set out above, duly passed as an Ordinance and approved by the Town Council of the Town of Rolling Hills, as attested by the Clerk of said town, and do hereby proclaim the same to be in full force and effect as of May 21, 2019, following the date of its passage and approval.

Jon O. Maines, Mayor

TOWN SEAL ATTEST:

Teresa Montgomery, Clerk / Treasurer

STATE OF WYOMING)
) ss
COUNTY OF CONVERSE)

I, Teresa Montgomery, Clerk of the Town of Rolling Hills, Wyoming, do hereby certify that the foregoing was posted pursuant to Wyoming Statutes and set for public hearing and comment before its third and final reading on May 21, 2019. I further certify the foregoing was read and passed as an Ordinance on May 21, 2019. I further certify that the above and foregoing Ordinance of the Town of Rolling Hills, Wyoming, was proclaimed by the Mayor of said town to be in full force and effect from and after the May 21, 2019, following the statutory time period following the third and final reading.

Teresa Montgomery, Clerk / Treasurer