

**ORDINANCE NO. 2023-02**

**AN ORDINANCE AMENDING THE TOWN OF PINE BLUFFS, WYOMING CODE OF ORDINANCES, CHAPTER 4 ENTITLED ANIMALS AND PROVIDING FOR AN EFFECTIVE DATE.**

Whereas, the Governing Body of the Town of Pine Bluffs, Wyoming has determined it to be in the public interest to amend Chapter 4 of the Code of Ordinances entitled "Animals"

NOW THEREFORE BE IT ORDAINED BY THE TOWN OF PINE BLUFFS, WYOMING;

Section 1. The Code of Ordinances of the Town of Pine Bluffs, Wyoming is hereby amended in its entirety to read as follows.

**CODE OF ORDINANCES**

**CHAPTER 4 - ANIMALS**

**ARTICLE 1**

**Regulation of Animals**

§ 4-101. Purpose—Authority—General provisions.

- (a) The purpose of this title is to establish regulations and procedures for the control, impoundment, and general care of animals and fowl within the town.
- (b) Authority is granted to cities and towns by Wyo. Stat. Section 15-1-103(a)(xiv) to regulate animals within the town and to provide for the operation of animal control and animal shelter services.
- (c) The provisions of this title will be enforced by the Pine Bluffs Police Department.

§ 4-102. Definitions.

- (a) The following definitions shall apply in the interpretation and enforcement of this title:
  - (i) "Animal" means a live, vertebrate creature, domestic or wild.
  - (ii) "Animal control officer" means any person designated by the state, county commissioners, the town or another municipal government, who is qualified to perform duties under the laws, regulations or ordinances of the state, county, town or other municipality pertaining to animals or animal control.

- (iii) "Animal shelter" means a facility recognized and designated by the governing body for the purpose of impounding or caring for animals held under the authority of this title or state law.
- (iv) "At large" means not under restraint.
- (v) "Community cat" means a cat that is abandoned, stray, lost or feral.
- (vi) "Community cat caregiver" means a person who, in accordance with trap-neuter-return, provides care, including food, shelter, or medical care to a community cat. A community cat caregiver shall not be considered the owner, custodian, harbinger, possessor, or keeper of a community cat.
- (vii) "Dangerous animal" means any animal which constitutes a physical threat to human beings or other animals, or an animal when, unprovoked, bites or attacks a human being. An animal properly trained as a guard, sentry, or police dog may not be considered a dangerous animal.
- (viii) "Destroyed" means euthanization by methods generally accepted as humane by the veterinary profession.
- (ix) "Domestic animal" means an animal habituated to live in or about the homes of human beings.
- (x) "Dwelling unit" means a structure consisting of one or more rooms or units designed for or occupied as a unit by one family for living purposes.
- (xi) "Ear tipping" means the removal of the one-quarter-inch tip of a community cat's left ear, performed while the cat is under anesthesia, to identify the community cat as being sterilized and lawfully vaccinated for rabies.
- (xii) "Humane trap" means a device designed to capture or contain an animal without causing injury to the animal.
- (xiii) "Inhumane trap" means a device designed to capture or contain an animal which causes injury to the animal as a result of the trap's operation.
- (xiv) "Leash/lead" means a thong, cord, rope, chain, or similar device which holds an animal in restraint.
- (xv) "Local veterinarian" means any Wyoming licensed veterinarian practicing within Laramie County.
- (xvi) "Owner" means every person keeping or harboring a domestic animal. "Owner" includes, but is not limited to, an occupant of the premises or dwelling unit where the animal is usually kept; or any person having control or purporting to have control over any animal which is running at large; or any person in possession of or harboring the animal. The parent or guardian of an owner shall be deemed the owner for purposes of this title when the owner is under the age of eighteen (18) years.
- (xvii) "Pack" means a group of three or more animals at large.
- (xviii) "Pet" means any dog, cat or ferret owned, kept, harbored or in the custody of a person living within the town limits of Pine Bluffs.

- (xix) "Public nuisance" means an animal which molests passersby or passing vehicles; attacks other animals; damages private or public property; barks, whines, howls, or makes other noise in an excessive, continuous, or untimely fashion; or an animal that becomes an untreated source of disease to other animals or humans.
- (xx) "Restraint" means physical control by a responsible person by use of a leash or lead; tethering an animal to a stationary object not within range of a public street, sidewalk, alley, or common path; or confining an animal within a fence or other enclosure which restricts it to a particular premise. An animal is also under restraint if under control and obedient to its handler's verbal commands.
- (xxi) "Trap-neuter-return (TNR)" means the process of humanely trapping, sterilizing, vaccinating for rabies, ear tipping, and returning community cats to the trapping location.

§ 4-103. Ownership.

- (a) Dogs are personal property and may be subject to larceny the same as other personal property.
- (b) Any person who keeps or harbors a dog or permits a dog to habitually remain or be fed in or about the person's premises is presumed to be the owner of the dog and is liable for it under this Article.
- (c) The owner of a dog which is killed or maliciously injured contrary to law, or which is carried or enticed away from the premises of the owner, or harbored for the purpose of being killed, injured or stolen may recover damages from the person killing or injuring or stealing the dog.

§ 4-104. Capture of Animals.

Animal control officers and/or police officers are authorized to:

- (a) Place or authorize the use of humane and safe traps in order to capture unrestrained animals on public or private property within the town at the written request of the property owner;
- (b) Utilize chemicals to capture public nuisance or dangerous animals if all other means fail. No officer may exercise this authority until the officer has been properly trained in the use of the chemical capture. Only tranquilizing drugs approved for use on animals by the American Veterinary Medical Association (AVMA) may be utilized;
- (c) Shoot a public nuisance or dangerous animal when necessary to avoid immediate physical threat or injury to human beings;
- (d) Capture unrestrained animals whether at large singly, or in packs, and cause them to be confined in the animal shelter.

§ 4-105. Violation-Penalty.

- (a) Any person violating the provisions of this title will, upon conviction, be punished pursuant to the penalties outlined in this title, or as provided by general penalty of the town code. Any subsequent violations, including penalties and fees, refers to and will be a subsequent violation by the same owner, regardless of whether or not the same animal was involved in each violation.

**ARTICLE 2**

**Animal Care and Control Regulations Generally**

§ 4-201. Cruelty to Animals.

- (a) No owner shall abandon or fail to provide an animal with sufficient, good and wholesome food and water, proper shelter, protection from the weather and veterinary care when needed to prevent suffering, and with humane care and treatment. Food must 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.
- (b) If a shelter with a chain is used as a primary enclosure for a dog kept outdoors, the chain must be placed or attached to avoid entanglement with chains of other dogs or any other object. A chain should be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and must allow the dog convenient and safe access to shelter.
- (c) No person shall leave a dog or any other animal in an unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which adversely affect its health or welfare.
- (d) If a police officer observes a vehicle parked within the town in which domestic animals are confined with no visible means of ventilation and the health or safety of the animal is threatened, the officer shall immediately attempt to locate the vehicle owner or person responsible to provide for ventilation or to remove the animal from the vehicle. If unable to locate the vehicle owner or the person responsible within a reasonable time, the officer will be empowered to use whatever means reasonably necessary to enter the vehicle to provide ventilation or to remove the animal from the vehicle to preclude serious harm to the animal.
- (e) No officer or agent acting pursuant to this section is liable for damage reasonably necessary to rescue a confined animal.
- (f) No person shall establish or promote as an exhibition or cause or permit any dogfight, cockfight, bullfight, or other combat between animals nor keep or train any bird, dog, or other animal with the intent of engaging or using the animal in an exhibition of fighting. Animals so kept or trained by persons violating this provision are subject to penalties set out in Wyo. Stat. Section 6-3-203(e).

- (g) No person shall permit, induce, or encourage any animal to perform through the use of chemical, mechanical, electrical or manual devices in a manner likely to cause physical injury, suffering or trauma to the animal.
- (h) No person shall willfully kill, maim, inhumanely trap, or disfigure any domestic or wild animal, except as provided for in this title, or administer poison or cause to be ingested any foreign object to any animal or expose any poisonous substance with the intent that it will be taken by the animal, except pests of public health importance within a dwelling unit.
- (i) Police Officers have the authority to kill or destroy any wild or domestic animal to avoid an immediate physical threat or injury to human beings.

§ 4-202. Keeping or slaughtering of certain animals—Restrictions within town.

- (a) Except as provided within this title, no person may keep or slaughter within the town any cattle, cows, horses, swine, goats, ducks, geese, turkeys, guinea fowl, nonhuman primates or other livestock.
- (b) This section shall not apply in areas of the town zoned agricultural; to livestock brought into the town for purposes of being shipped out of the town; to animals brought into the town to receive veterinary care; or to goats that are being used for weed and pest control purposes by or through the Laramie County Weed and Pest Control division.
- (c) The keeping of animals, birds, or fowl, otherwise prohibited by this section, may be allowed for rodeos, fairs, circuses, carnivals, parades and other public exhibitions or entertainment events; provided, that the proper licenses and permits for the event have been obtained from the town. Persons desiring to use goats for weed and pest control purposes per subsection B of this section must also obtain proper licenses and permits.
- (d) Chickens may be kept on any eligible lot, as defined in subsection (D)(3), of this section, subject to the following requirements and all other applicable provisions of this chapter:
  - (i) It shall be unlawful to keep, possess, or maintain live roosters (male chickens) anywhere in the town. Only live hens (female chickens) may be kept, and all references herein to chickens or poultry shall mean hens only.
  - (ii) It shall be unlawful to keep, possess or maintain more than six hens on any eligible lot within the town.
  - (iii) For the purposes of this chapter, the term "eligible lot" is defined as any lot that contains no more than one detached single family residential dwelling unit that is occupied as a personal residence by at least one adult who shall be responsible for compliance with the provisions of this chapter. An "eligible lot" may also include an accessory dwelling unit approved by the town.
  - (iv) Chickens must be confined within a covered, predator-resistant coop, including predator-resistant roofing and flooring, located in the backyard (rear) of the eligible lot. The coop must be adequately ventilated and easily

accessed, cleaned, and maintained. The coop must provide at least three-square feet of space for each hen. The coop must comply with all applicable provisions of the Pine Bluffs Town Code. No coop shall have an enclosed floor space exceeding sixty (60) square feet, and no portion of any coop or pen shall exceed a height of seven feet from the ground surface at any point.

- (v) During daylight hours, each chicken must have access to the coop and to a pen surrounding the coop that shall be totally enclosed to prevent escape and to protect the chickens from predators. Chickens must be enclosed within the coop each day from sundown to sunrise on the following day.
- (vi) During daylight hours, chickens may be permitted to roam outside the pen, described in subsection 5 of this section, and within the backyard, so long as they are confined within an area enclosed by a solid fence not less than six feet in height. Any such fence must comply with applicable requirements of the Pine Bluffs Town Code. The chickens' wings shall be clipped to prevent them from escaping over the fence.
- (vii) It is unlawful for any chickens to be at large, as defined in Section 4-102. Any chickens found at large may be taken into possession and impounded by an animal control authority. Any chickens not reclaimed within two business days may be euthanized.
- (viii) The coop and pen must be cleaned and maintained such that the coop and pen do not become a nuisance or attract excessive insects or vermin. Chicken waste, including unharvested eggs, is subject to the requirements of Section 4-213 of this chapter.
- (ix) Chickens shall always be provided with sufficient potable liquid water. Chicken feed shall be stored in secured containers to prevent access by mice, rats, and other vermin.
- (x) It shall be unlawful to possess, keep or maintain live chickens in a dwelling unit of any kind.
  - (A) All lot owners (including any purchaser under a contract for deed) and adult residents of the eligible lot, including those residing in any accessory dwelling unit on the same lot, must consent in writing to keeping chickens on the lot. The consent of an individual lot owner or adult resident shall be effective and may be revoked in the same manner as described in subsection (10)(c), of this section.
  - (B) No chickens may be kept on an eligible lot unless all owners and all adult residents of adjacent lots consent in writing. For the purposes of the consent requirement of this paragraph, an "adjacent lot" means any lot that touches an eligible lot at any point, including corner to corner touching. A lot separated from the eligible lot only by an easement that does not provide for public vehicular, bicycle or pedestrian access, is deemed to be an adjacent lot for the purposes of the consent requirement of this paragraph.

- (C) The consent of an adjacent owner or an adult resident shall be irrevocable for a period of one hundred eighty (180) days from the date consent is given in writing. After the expiration of one hundred eighty (180) days, an adjacent owner or adult resident may revoke consent by providing a written notice of revocation to the record owner(s) of the eligible lot and to any person keeping chickens on the eligible lot that was the subject of the original consent. Upon receiving written notice of the revocation of consent from any adjacent owner or adult resident, the owners and occupants of the eligible lot shall have sixty (60) days to remove all chickens.
- (D) Rights-of-way and other public access areas that may be lawfully used for public vehicular, bicycle or pedestrian access (e.g. streets, alleys, sidewalks, greenways, parks, plazas, parking facilities, and playgrounds) that are adjacent to an eligible lot shall not be considered to be adjacent properties for the purposes of the consent requirement of subsection (10)(b), of this section, provided however, that no portion of a coop or pen may be located within six feet of an adjacent right-of-way or other public access area.
- (xi) This section does not supersede or affect the validity or enforceability of private lot restrictions, restrictive covenants, homeowners' association agreements, or any other agreement or arrangement that may limit or prohibit the keeping of chickens.
- (xii) Chickens may not be killed within the town by or at the direction of the owner or keeper thereof, except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia when surrendered to a licensed veterinarian for such purpose, or as otherwise expressly permitted by law.
- (xiii) The carcass of a dead chicken must be disposed of in accordance with Section 4-212 of this chapter.
- (xiv) This section does not exempt any person from compliance with the provisions of Title 4 of the Pine Bluffs Town Code. This section shall be enforced pursuant to Section 4-105 of this title.
- (e) The Laramie County Health Officer may issue an order prohibiting the keeping of any animals, fowl or bird which poses a health hazard to the general public pursuant to town ordinances, or state and federal laws pertaining to public health.

§ 4-203. Animals running at large prohibited.

Except as provided by subsections C, and D, of this section, the owner of an animal must always keep the animal under restraint, not permitting it to run at large except on the owner's property. An animal or pet running without a leash that responds to the owner's verbal commands innately and promptly shall be considered restrained and not at large so long as the animal or pet is within the supervision of its owner who can issue the verbal commands. An animal or pet that does not respond to verbal commands promptly shall be considered at large if running without a leash outside the owner's property. The owner of an animal found

to be at large shall be responsible for any violation of this section. Upon conviction, the owner of any animal that is:

- (a) Altered or less than six months of age may be punished as follows:
  - (i) First offense: a fifty-dollar (\$50.00) fine.
  - (ii) Second offense, within a twelve (12) month period: a seventy-five dollar (\$75.00) fine. A second offense will result in the mandatory microchipping of the animal at the expense of the owner. Within ten (10) calendar days of redemption, the owner shall provide proof to the municipal court of microchipping identification through certification by a veterinarian.
  - (iii) Third and subsequent offenses, within a twelve (12) month period: mandatory appearance in municipal court, not less than a one hundred dollar (\$100.00) fine and up to a seven hundred fifty dollar (\$750.00) fine.
- (b) Unaltered and more than six (6) months of age may be punished as follows:
  - (i) First offense: A seventy-five dollar (\$75.00) fine.
  - (ii) Second offense, within a twelve (12) month period: A one hundred dollar (\$100.00) fine. A second offense will result in the mandatory microchipping of the animal at the expense of the owner and may result in the mandatory altering of the animal at the expense of the owner. Upon a second offense, the owner of the animal shall bear the burden of proof and cost regarding the animal's alteration and microchipping. Within ten (10) calendar days of redemption, the owner shall provide proof to the municipal court of microchipping identification and alteration through certification by a veterinarian.
  - (iii) Third and subsequent offenses, within a twelve (12) month period: mandatory appearance in municipal court, not less than a one hundred dollar (\$100.00) fine and up to a seven hundred fifty dollar (\$750.00) fine.
- (c) No owner of a female dog shall permit the dog to run at large within the town limits while in heat. If the female dog in heat is found running at large in the town she may be detained or killed by any police officer.
- (d) The provisions of this Article do not apply to range stock being driven through the streets of the Town when going to or returning from their accustomed range, nor to keeping animals when permitted by applicable provisions of Chapter 20 of this Code.
- (e) Service animals as defined pursuant to the Americans with Disabilities Act must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls.

§ 4-204. Owning or keeping dangerous animals.

- (a) No person shall own, keep, harbor, or allow to be upon any premises occupied by him or her or under his or her charge or control, any dangerous animal without having the



animal properly secured and muzzled. "Dangerous animal" is defined in Section 4-102 as "any animal which constitutes a physical threat to human beings or other animals, or an animal when, unprovoked, bites or attacks a human being. An animal properly trained as a guard, sentry, or police dog may not be considered a dangerous animal."

- (b) Upon conviction of any person violating this provision, the municipal court may, in addition to the general penalty provided by town code, order any police officer to destroy such animal or ban it from the town, and for that purpose, any officer charged with such duty shall have the right to enter upon any premises within the town.

§ 4-205. Gifting of vertebrates.

- (a) Live animals, reptiles or birds may not be given away as a prize for or as an inducement to enter a place of amusement or used as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

§ 4-206. Keeping of wild animals.

- (a) No person shall own any wild animal or exotic pet within the town limits, except that this restriction does not apply to the keeping of small cagebirds or aquatic, amphibian or nonpoisonous reptilian animals or small rodents such as hamsters, guinea pigs or gerbils kept solely as pets, nor to any zoological garden, theatrical exhibit, circus, legally incorporated college, university, or school.

§ 4-207. Disturbance of the peace.

- (a) No owner of an animal within the town shall permit the animal to disturb the peace and quiet of any individual, family, or neighborhood by allowing the animal to bark, whine, howl or make any other noise in an excessive, continuous or untimely fashion. If an animal does so disturb the peace and quiet, its owner shall be deemed guilty of a violation of this section when the owner receives a written warning from the town of a previous complaint at least once within the preceding twelve (12) months.

§ 4-208. Quantity of animals.

- (a) Animals kept within a dwelling unit are not permitted in quantities of more than four adult animals per dwelling unit.
- (b) Any dwelling unit or other property maintaining more than four dogs is considered a kennel and the property must meet zoning requirements.
- (c) More than four dogs of the same litter may be maintained on the premises until attaining the age of four months.

§ 4-209. Prohibited animals—General regulations.

- (a) The following animals shall not be brought into, kept, maintained, offered for sale or barter, or released within the town: poisonous or venomous biting or injecting species of amphibian, arachnid, or reptile, including snakes. This restriction does not prohibit any circus or other entertainment organization, an educational facility, or the department of parks and recreation from keeping such an animal where the animal is securely and humanely confined.

§ 4-210. Public nuisance—Unlawful.

- (a) No owner of an animal shall allow it to be or become a public nuisance. Owners violating this section shall be subject to the penalty provided within this title or the general penalty provided by town code.

§ 4-211. Vehicular accidents with animals.

- (a) Any motorist, while operating a vehicle, who hits a domestic animal shall stop and immediately report the incident either to the animal's owner, or, in the event the owner cannot be ascertained and located, to the Police Department.

§ 4-212. Removal of dead animals required.

- (a) If an animal dies within the town, its owner or person in charge must arrange for the animal to be buried at a location approved, in advance, by the town. If the owner or person having charge of the animal neglects to remove the same within ten (10) hours of an animal's death, the Police Department will arrange for removal at the expense of the owner or persons having charge of the animal, such expense is recoverable by the town through civil action. Whenever the owner or person having charge of a dead animal cannot be found or ascertained, it is the duty of the Police Department to make arrange for removal and disposal of the animal.

§ 4-213. Animal wastes.

- (a) A person owning, keeping, possessing, or harboring any animal must remove and dispose of, in a prompt and sanitary manner, feces left by the animal on any public property, or any private property not owned or lawfully occupied by such person.
- (b) An animal owner is responsible for keeping his or her property free and clear of animal waste to prevent potential harm to the public health, as determined by the county health officer, or his or her designee. If a determination is made that a potentially dangerous situation to the public's health exists, a notice of violation may be issued.
- (c) This section does not apply to persons utilizing a seeing-eye dog or to persons physically handicapped to such a degree that they are incapable of compliance.
- (d) This section does not apply to owners of animals participating in events for which a permit has been issued by the town clerk.

§ 4-214. Housing or exhibiting animals.

- (a) Persons maintaining poultry or animals according to Section 4-202 (B) and (C) of this chapter must keep the same under clean and sanitary conditions. Facilities for housing and confinement must be thoroughly cleaned at least once every twenty-four (24) hours, or as directed by the county health officer. It will be unlawful to permit any decaying food, or any refuse of any kind, to remain in the facility. The collection and disposition of refuse will be in accordance with town ordinances, and it will be unlawful to permit refuse to remain uncovered.

§ 4-215. Carrying an animal on vehicle prohibited—Exception—Penalty—Definitions—Enforcement.

- (a) No person shall carry any animal upon the hood, fender, running board, or other external part of a vehicle if the vehicle is being operated upon a public road or highway, unless the animal is protected by framework, carrier, or other device sufficient to keep it from falling from the vehicle. This prohibition does not apply to livestock.
- (b) Any person who violates this section is guilty of a misdemeanor.
- (c) Definitions.
  - (i) For purposes of this section, "vehicle" means any means of conveyance or travel which may be lawfully operated or parked upon any public or private way.
  - (ii) For purposes of this section, "animal" means and includes only living animals.
- (d) Enforcement.

Any enforcement of this section requiring a traffic stop shall be enforced by the Pine Bluffs Police Department.

§ 4-216. Owning or keeping a biting animal prohibited – Penalty - Summary impoundment - Fees.

- (a) Any person who owns, possesses, keeps, or exercises control over any animal shall prevent the animal from biting or causing any bodily injury to any person or domestic animal, except that, this section shall not apply to bites inflicted by police service dogs in the line of duty, nor to owners bitten by their own dog, nor to bites inflicted on trespassers, nor to bites inflicted because of accidental provocation.
- (b) Any animal which bites, attacks, or causes any bodily injury to a human being or domestic animal, may be summarily and immediately impounded for up to ten (10) days at the owner's expense. Impoundment is at the discretion of the police officer that responds as to whether the dog is impounded or not. Any owner whose animal is impounded shall be afforded an opportunity for a municipal court hearing within not more than ten (10) days of impoundment. Prior to court determination of the animal's disposition, the animal shall be assessed to determine if it is rabid, dangerous, physically sound, or may otherwise pose any threat to the public health, safety, and welfare. Assessment shall be at the owner's expense.
- (c) Any animal not claimed by the owner within forty-eight (48) hours, shall become property of the town or its agent, and will be available for adoption to a suitable home, or may be, by order of the municipal court, humanely euthanized. Owners of reclaimed animals shall be subject to and pay a reclamation fee.
- (d) Any person who violates this section shall be issued a must appear citation to municipal court and upon conviction, shall be punished by a fine of not more than seven hundred fifty dollars (\$750.00).
- (e) In lieu of a citation, a police officer may issue one written warning to any person who has not previously been convicted of violating this section.

- (f) No more than one citation alleging a violation of this section may be issued to any one person in any twenty-four (24) hour period.

§ 4-217. Feral cats.

- (a) The town of Pine Bluffs recognizes the need for innovation in addressing the issues presented by community cats. To that end, it recognizes that several programs such as relocating to barns, trap-neuter-return, and other methods appropriate to this area are effective and humane methods to manage, and over time, reduce the population of community cats. A police officer or town administration is authorized to utilize the method they feel appropriate at any given time.

**ARTICLE 3**

**Rabies Control**

§ 4-301. Exemptions.

- (a) Hospitals, clinics and other premises operated by a licensed veterinarian for animal care and treatment are exempt from the provisions of this title pertaining to rabies control, except where expressly stated.

§ 4-302. Rabies vaccination required.

- (a) All pets four months of age or older, shall be vaccinated against rabies. All pets vaccinated for the first time at four months of age or older shall receive a booster vaccination one year after the first vaccination. Beginning with, and including, the booster vaccination, all pets shall be vaccinated, at a minimum, once every three years. It is at the discretion of the pet owner whether to vaccinate for rabies every year or every three years; however, it is recommended that owners, in consultation with their veterinarians, decide upon an individualized vaccination schedule taking into consideration the pet's health, lifestyle and risk of exposure.
- (b) If any pet does not have a current rabies tag affixed to its collar, harness or chain, the pet's owner will be presumed to have violated the provisions of this title.
- (c) Vaccination Exemption.
  - (i) It is recommended that a letter of exemption from vaccination be kept on file by the pet owner if a medical reason exists that precludes vaccination of a pet. Qualifying letters must be in the form of a written statement, signed by a licensed veterinarian, that includes a description of the pet, and the medical reason that precludes vaccination. If the medical reason is temporary, the letter shall indicate a time of expiration of the exemption.
  - (ii) A pet exempted under subsection (C)(1) of this section shall be considered unvaccinated for the purposes of Section 4-403, in the case of an exempted pet's exposure to a suspected or confirmed rabid animal.

§ 4-303. Reporting animal bites—Rabies quarantine.

- (a) Any person who knows that an animal has bitten a human being shall immediately report the incident to the police department, together with the name and address of the person bitten, if known.
- (b) If an animal is suspected of having rabies or if an animal has bitten a person, the animal must be confined for a period of at least ten (10) days by a leash, chain or cage at an animal shelter, veterinary hospital at the owner's expense, on the owner's property or destroyed with the animal's corpse submitted to an approved laboratory for rabies analysis. In the case of stray animals, or animals whose ownership is unknown, such quarantine shall be at a shelter designated by the town.
- (c) No animal held for observation on suspicion of rabies will be released until the observation period is over and written permission from the town is acquired. Upon proof of current rabies vaccination, the animal may be released into quarantine at the owner's residence at the discretion of the police department.
- (d) If an animal has been bitten by another animal suspected of having rabies, the owner of the bitten animal must report the incident to the police department.
- (e) The police department may remove an animal suspected of rabies, or of being exposed to rabies, from the owner's premises to a veterinary hospital, at the owner's expense to be paid in advance, for observation during the standard incubation period established by the State Health Department for the species of animal. The owner may elect to have the animal destroyed. Upon proof of previous vaccination, within time limits generally accepted in the field of veterinary medicine, re-vaccination and restraint shall, in the discretion of the animal control authority, be sufficient.

§ 4-304. Destruction and disposal procedures.

- (a) The following procedures will be followed if an animal is found to be rabid or if it cannot be established whether it has rabies:
  - (i) If a standard incubation period has not been established by the State Department of Health for the species of animal being placed under observation, the animal will be destroyed in a humane fashion. If the animal was involved with another animal or human being, a necropsy will be performed by a certified laboratory to determine rabies contamination.
  - (ii) If rabies is ascertained in any animal, the animal will be destroyed in a humane fashion. No person shall destroy or cause to be destroyed any rabid animal suspected of having been exposed to rabies, or any animal biting a human being, except as provided herein, nor remove the animal from the town limits without written permission from the animal control authority.
  - (iii) When rabies is diagnosed in an animal under quarantine, or when an animal dies or is destroyed while under observation for suspected rabies, the police department will immediately send the head of the animal to the State Health Department for pathological examination and will notify the proper public health officer of reports of human contacts and the diagnosis.

- (iv) Upon demand of the animal control authority, an owner shall surrender any animal which has bitten a human being, or which is suspected of having been exposed to rabies, for supervised quarantine, the expense of which will be borne by the owner. The animal may be reclaimed by the owner if it is adjudged free of rabies, upon payment of fees determined by the governing body from time to time by resolution.

## **ARTICLE 4**

### **Impoundment**

#### § 4-401. Designation of animal shelter.

- (a) The town may, by resolution, designate animal shelter facilities for holding of animals, including dogs and cats, and may enter into one or more cooperative agreements with other jurisdictions for the operation of animal shelter facilities. All such facilities shall be exempt from the requirements of Title 4 to the extent that such requirements would otherwise limit the proper use, maintenance, or operation of such facilities for animal shelter or control purposes.

#### § 4-402. Animal impoundment.

- (a) At large, maltreated, rabid, dangerous and/or public nuisance animals may be taken by the police department or county animal control authorities and impounded in an animal shelter, confined in a humane manner. Animals at large which are not maltreated, rabid or dangerous and which are wearing current rabies and license tags may be returned to the owner upon proof of ownership. The owner may be issued a citation for a violation of this title.
- (b) Impounded animals which are seriously injured or ill and have no current rabies or license tag may be destroyed.
- (c) If the animal is seriously injured or ill and is wearing a current rabies identification or license tag, a diligent and reasonable effort to locate and inform the owner will be made. If the owner is unable to be located, the animal may, upon recommendation of a veterinarian, be euthanized.
- (d) Notice of impoundment of an animal wearing a current license or rabies tag or other identification will be attempted within thirty-six (36) hours of impoundment by the police department or an animal control authority to the owner either by telephone or in person at the address noted on the license, identification, or rabies document. If the owner cannot be located within town limits, the police department or an animal control authority shall deposit the notice in the United States mail, postage prepaid, addressed to the last known address of the owner. When notice cannot be made to an owner within thirty-six (36) hours of impoundment, or when the animal is unidentified, written notice by the animal control authority will be posted at the designated animal shelter and on the Town Hall front door within twelve (12) hours

of impoundment, giving a summary description of the animal held. Notice will be mailed to the owner's residence, if known.

- (e) Any animal not claimed by its owner within two working days will become the property of the animal shelter and will be available for adoption in a suitable home, or humanely euthanized.

§ 4-403. Release of impounded animals.

- (a) An owner reclaiming an impounded animal must pay all costs and charges incurred for the impounding and maintaining the animal.
- (b) An owner reclaiming an impounded animal which does not have a current rabies tag, prior to the animal's release, must submit proof of current rabies vaccination certificate for the animal issued by a licensed veterinarian. The owner of an animal reclaimed is responsible for the cost of any and all vaccinations administered by a veterinarian. Failure to comply may result in re-impoundment of the animal, and disposition in accordance with Section 4-504 of this chapter.
- (c) Owners of any reclaimed impounded animal may, in addition to the above fees, be subject to penalty as provided by this title or the town code.

§ 4-404. Disposition of unredeemed animals.

- (a) If an impounded animal is not claimed or redeemed from the animal shelter in the manner and time provided in this chapter, it will become the property of the animal shelter and may be eligible for adoption either by the town or by another agency. If the animal is not adopted within five days, the animal may be euthanized.

Section 2. The Town Clerk shall conform the official code of the town by substituting and replacing Chapter 4 in its entirety.


Section 3. This ordinance is effective upon adoption and publication according to law.

(S E A L)

BY:

  
Justin Fornstrom, Mayor

ATTEST:

  
Jacklyn Fornstrom, Clerk

FIRST READING:	August 8, 2022
SECOND READING:	August 24, 2022
THIRD AND FINAL READING:	October 11, 2022