

Animals and Fowl

CHAPTER 4

Article 1. Definitions.

§ 4-1. Definition of terms.

Article 11. Regulations and Prohibited Acts.

§ 4-2. Maintaining Vicious Animal.

§ 4-3. Cruelty to Animals

§ 4-4. Keeping Animals or Fowl in Offensive Manner; Notice; Penalty.

§ 4-5. Running at Large Prohibited.

§ 4-6. Impoundment – Enforcement; Redemption Fee.

§ 4-7. Same – Notification Of Owner; Disposition of Impounded Dog.

§ 4-8. Same – Fees Applicable to Impounded Dog.

§ 4-9. Licensing and Registration of Dogs – Duty of Town Clerk; Expiration Date.

§ 4-10. Same – Fees.

§ 4-11. Same – Issuance and Wearing Of Tags.

§ 4-12. Same – Impoundment – Required Of Dogs Without Valid License; Enforcement Officer.

§ 4-13. Breaking Open, Etc., Pound.

§ 4-14. Detention and Observation of Animals – Rabies.

§ 4-15. Kennels.

Article 1. Definitions

Sec. 4-1. Definition of terms.

As used in this chapter, unless otherwise indicated, the following words and phrases shall have the following meanings.

- a. **Animal Control Officer.** Shall be all police officers employed by the town and any other person designated by the town council to enforce this chapter of the Town Code. [Added in 1995 supplementation.]
- b. **At Large.** Off of the premises of the owner, and being at places not under the physical control of the owner.
- c. **Dog.** The term “dog” shall include both male and female animals.
- d. **Ferocious.** Shall mean any exhibition or tendency to fierceness and unrestrained violence and brutality.
- e. **Fowl.** The term “fowl” shall include all chickens, roosters, turkeys, ducks, and geese. [Ord. No.599, Sect. 1 Aug. 1990].

- f. **Livestock.** The term livestock shall include all cattle, horses, pigs, lambs, sheep, goats and buffalo. [Ord. No. 599, Sect. 1 Aug 1990].
- g. **Owner.** Any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- h. **Physical Control.** On a leash or other restraint not exceeding eight feet in length with one end attached to the dog and the other end in physical possession off the owner.
- i. **Pound.** The place provided by the town for the impounding of dogs.
- j. **Premises.** An open area without houses, barns and other outbuildings. [Ord. No. 599, Sect. 1, Aug. 1990]
- k. **Unruly.** Shall mean not readily ruled, disciplined or manageable. [Added in 1995 supplementation,]
- l. **Vaccinate.** The inoculation of a dog with an approved rabies vaccine that provides a minimum three year immunity which shall be administered under the direction of a licensed veterinarian, the cost of said vaccination to be borne by the owner of the dog. [Ord.579,1987]
- m. **Vicious.** Shall mean dangerously aggressive, marked by violence and /or ferocity. [Added in 1995 supplementation.]

Article 11. Regulations and Prohibited Acts.

Sec. 4-2. Maintaining a Vicious Animal.

No person shall keep, feed, harbor or allow to stay about the premises occupied by such person any vicious, unruly or ferocious animal.

Sec. 4-3 Cruelty to animals.

No person shall willfully or maliciously torture, torment, deprive of necessary sustenance, beat, mutilate, kill, mistreat or carry an animal in a vehicle in a cruel or inhumane manner, or cause or procure it to be done; or having the charge and; custody f any animal, unnecessarily fail to provide it with the proper food, drink or protection from the weather, or abandon it.

As to the protection of domestic animals generally, see W.S., 1977, § 11-29-101 et seq. As to the live stock and sanitary board, see W.S. 1977, §§ 11-29-106 to 11-29-112. [Note change in stat. ref.]

Sec. 4-3.1. Keeping Animals, Fowl or Livestock in Offensive Manner; Notice; Penalty.

- a. No person shall keep any animal or fowl upon any premises within the town in such a manner as to be offensive or annoying. The keeping of any animal or fowl upon any premises in such a manner as to be offensive or annoying shall be deemed to be a nuisance.
- b. The owner, agent or occupant of any premises shall be held liable for compliance and, if

such person shall refuse to comply with the provisions of this article, he shall be served with written notice requiring abatement of the nuisance within three days from the receipt of such notice.

- c. Any person who fails to comply with any written notice given pursuant to subsection (d) shall be guilty of a misdemeanor. [Ord. No. 510]
- d. It shall be unlawful for any person to keep any livestock upon any premises within the Town of Wheatland unless said premises are larger than one-half acre (21,780 square feet) in size.

Sec. 4-4 Running At Large Prohibited.

No person shall permit any animal or fowl to run at large nor shall any animal or fowl be permitted to run at large.

For state law as to authority of town to regulate, etc., the running at large of animals, see W.S., 1977, § 15-1-103. As to strays generally, see W.S., 1977, § 11-24-101 et seq.

Sec. 4-5. Impoundment – Enforcement; Redemption Fee.

- a. If any animal or fowl shall be found running at large it shall be the duty of the animal control officer to impound such an animal in a secure pen, pound or other place provided for that purpose.
- b. No animal or fowl impounded shall be released until the owner shall pay the fees required by section 4-7.

As to the authority of town to impound animals running at large, see W.S., 1977, § 15-1-103. As to feeding impounded animals, see W.S., 1977, §§ 11-29-103 and 11-29-104. For state law as to authority of town to establish a pound, appoint and compensate a pound master and prescribe his duties, see W.S., 1977 § 15-1-103. [Note change in stat. ref.]

Sec. 4-6 Same Notification of Owner; Disposition of Impounded Dog.

Every owner shall be immediately notified upon impounding of any animal and every animal impounded shall be held for a period of 72 hours after such notification. If not claimed within 72 hours by any person who pays the license and impounding fees, such animal may be disposed of. The pound master may, at his discretion release the animal to some person who shall pay all costs incurred before release. If the owner is unknown and the animal is not claimed by another the pound master may dispose of any unclaimed animal five days after impoundment.

For state law as to authority of town to provide for the sale or destruction of impounded animals, see W.S., 1977, § 15-1-103.

Sec. 4-7 Same – Fees Applicable To Impounded Dog.

Upon payment of pound fees as established by the governing body, license fees and an animal control officer's fee, an owner may secure the release of any impounded animal.

Sec. 4-8 Licensing and Registration of Dogs – Duty of Town Clerk; Expiration Date.

All dogs over four months of age kept, harbored or maintained in the town shall be licensed and registered. License shall be issued by the town clerk or by an agent as may be designated by the clerk. No license shall be issued unless a dog has been vaccinated against rabies within twenty-four months immediately preceding the date of application for the license as evidenced by the certificate of a licensed veterinarian. All licenses shall expire on December 31 of the year in which the same are issued. [Ord. 579, 1987]

Sec. 4-9 Same – Fees.

A fee as established by the governing body shall be paid upon application for a license.

For state law as to authority to town to impose license fee on the keeping of dogs, see W.S., 1977 § 15-1-103.

Sec. 4-10. Same – Issuance And Wearing Of Tags.

Upon payment of the license fee the clerk shall issue a license tag bearing the number under which the dog is registered. Such tag shall be secured to the neck of the registered animal and it shall be unlawful for any person to put any license upon a dog for which the same was not issued.

Sec. 4-11 Same – Impoundment – Requirement Of Dogs Without Valid License; Enforcement Officer.

Any dog found within the town without a current license is declared to be a public nuisance and it is the duty of the animal control officer to pick up and impound any such animal.

As to authority of town to impound animals running at large, see W.S., 1977, § 15-1-103. As to feeding impounded animals, see W.S., 1977, §§ 11-29-103 and 11-29-104. [Note change in stat. ref.] For state law as to authority of town to establish a pound, appoint and compensate a pound master and prescribe his duties, see W.S., 1977, § 15-1-103.

Sec. 4-12. Breaking Open, Etc., Pound.

No person shall break open or assist in breaking open any pound, pen or other enclosure with the intention of releasing any animal confined therein.

Sec. 4-13. Horses In Municipal Park.

No person shall ride or permit any horse to remain within any municipal park. (Amended during August, 1984, supplementation.)

Sec. 4-14. Violations; Penalties.

Any person in possession of any dog not licensed or any person violation any provision of this chapter shall be guilty of a misdemeanor. (Amended during August, 1984, supplementation; Ord. No. 534, Sect. 3)

Sec. 4-15. Detention and Observation of Animals – Rabies.

Upon the written request of any person, any dog or other animal which has bitten someone, breaking the skin, shall be picked up and detained in isolation, at the town animal shelter, for ten days for observation for symptoms of rabies. If the owner of such animal can furnish positive proof that the animal has a current vaccination. Any doubt as to whether the vaccination is current shall be resolved by presuming that the vaccination is not current. The owner of any animals so detained shall pay all expenses incurred as the result of any detention. [Added in 1995 supplementation]