

ORDINANCE NO. 185

AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS WITHIN THE CORPORATE LIMITS OF THE TOWN OF MILLS; PROHIBITING ANIMALS FROM RUNNING AT LARGE WITHIN THE TOWN; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROHIBITING THE MOLESTATION OF CONFINED ANIMALS; ESTABLISHING THE OFFICE OF POUNDMASTER AND THE DUTIES OF SUCH POUNDMASTER; AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF CERTAIN ANIMALS; AND REPEALING AND RE-ENACTING CHAPTER 7.08 OF THE MILLS MUNICIPAL CODE.

BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF MILLS, WYOMING.

SECTION 7.08.010. DEFINITIONS. The terms "owner", "owners", "owns", or "owning" as used in this Ordinance shall mean any person or persons who harbors or keeps a dog, or with reference to the sections of this Ordinance on animals generally shall mean any person or persons who harbors or keeps any animal of whatever kind or nature, domesticated or undomesticated. The terms "harbors" or "keeps" as used in this section shall mean to own or feed or provide shelter for any animal, whether or not the said animal spends its full time upon or near the premises of the person or persons said to own the animal, whether or not the person said to own the animal provides food or shelter for the animal on a daily basis, and irrespective of the method by which the animal came to be owned, harbored, kept, fed or sheltered by the person said to own the animal.

SECTION 7.08.020. DESCRIPTION AND PURCHASE BY TOWN OF DOG LICENSE TAG. Dog license tags of metal or other suitably durable material, designed so as to be attachable to the collars of dogs, shall be provided by the Town through the office of the Town Clerk. The words "Mills, Wyo.", the calendar year for which issued and the serial number of the tag shall be inscribed on each such tag. The Town Clerk is hereby authorized and directed to purchase such tags in sufficient quantity for the licensing of dogs in Mills, Wyoming.

SECTION 7.08.030. ISSUANCE AND RECORDS. It shall be the duty of the Town Clerk to issue dog license tags to responsible persons

making proper application for same and paying the fee therefor as is hereinafter provided. In cases in which more than half of the calendar year has elapsed at the time application is made for a dog license, the Town Clerk shall issue such license upon payment of one-half of the established fee. It shall be the duty of the Town Clerk to keep an accurate and complete record of all licenses issued, the date issued, the fees collected therefor, the name and address of the person applying therefor, the name and address of the owner if other than the applicant, ^{and} the name, color, sex and the breed or description of the dog for which the license is issued.

SECTION 7.08.040. VACCINATION FOR RABIES REQUIRED. As part of the application for a dog license, the person making such application must, before a license shall be issued, exhibit to the Town Clerk a certificate signed by a licensed veterinarian that the dog for which the license is to be issued has been vaccinated with an anti-rabies vaccine immunizing the said dog against rabies for a period equal in time to, or in excess of, the term of the license applied for.

SECTION 7.08.050. LICENSE REQUIRED. Any person or persons owning any dog which is kept within the town shall, within thirty days of the date such person acquired the dog, and for each calendar year thereafter in which such dog is kept within the town, provide for the said dog a current dog license issued by the Town Clerk as is hereinabove provided. All dog licenses issued hereunder shall be void from and after the first day of each calendar year following the issuance of such licenses. The license tag issued by the Town Clerk and the rabies vaccination tag issued by the veterinarian who administered the rabies inoculation, shall be securely attached to and worn by the dog for which such tags are issued, by means of a collar or by other humane means.

SECTION 7.08.060. EXCEPTIONS. The provisions of this Ordinance requiring the licensing of dogs shall not apply to dogs owned and under the control of persons who are non-residents of the Town and who do not remain in the Town for a period of more than thirty

days, or to any dog under the age of six months.

SECTION 7.08.070. LICENSE FEE. The Town Clerk shall charge for each license issued the sum of \$ 1.00 per license issued for each male dog or spayed female dog and \$ 3.00 for each female dog which is not spayed. No refunds shall be made on any dog license by reason of the death of the dog or the removal of the dog from the Town prior to the expiration of the license.

SECTION 7.08.080. RUNNING AT LARGE PROHIBITED. It shall be unlawful for the owner of any dog to allow such dog to be at large upon any property, public or private, not the premises of the owner. Any dog on any such property shall be considered to be at large in violation of this Section, unless it is under the actual control of the owner or some member of his family over the age of 10 years.

SECTION 7.08.090. VICIOUS ANIMALS TO BE RESTRAINED. Every dog, licensed or unlicensed, or any other animal, such dog or other animal known by the owner to be of a vicious nature must be kept upon the owner's premises by a fence, rope, leash, chain or other enclosure adequate to prevent the dog from inflicting damage upon any person or property. Any animal of a vicious nature running at large upon any property, public or private, not the premises of the owner, is hereby declared to be a public nuisance. Any animal 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 slain by the Town Marshal or the Poundmaster.

SECTION 7.08.100 PRESUMPTION OF KNOWLEDGE OF VICIOUS NATURE. In the case of any unprovoked attack made by any animal upon any person or property outside the premises of the owner of the animal, or within the premises of the owner, if the person attacked is authorized to enter there, as for the purpose of delivering merchandise ordered by such owner to be delivered, or of reading any meter placed upon the premises for the purpose of measuring merchandise already consumed by such owner, the owner shall be presumed to have

knowledge of the animal's vicious nature.

SECTION 7.08.110. FEMALE DOGS IN HEAT. It shall be unlawful for the owner of any female dog in heat, whether licensed or unlicensed, to allow such dog to run at large upon any property, public or private, not the premises of the owner. Any dog as defined in this section is hereby declared to be a public nuisance.

SECTION 7.08.120. CHASING OR NOISY DOGS. It shall be unlawful for the owner of any dog, licensed or unlicensed, to allow such dog to chase, for whatever reason or purpose, and irrespective of the dog's intent or vicious nature, motor vehicles, motorcycles, bicycles, or persons on foot, or to bark, howl or whine, which barking, howling or whining disturbs the peace and quiet of the neighborhood. Any dog as defined in this Section is hereby declared to be a public nuisance.

SECTION 7.08.130. PENALTY. Upon conviction of maintaining a public nuisance under any Section of this Chapter, the person so convicted shall be fined not less than \$1.00 nor more than \$100.00, and, if it should appear to the Police Justice that the animal is still living within the Town, the Justice may, in addition to the fine herein provided, order the Poundmaster or the Town Marshal to forthwith cause the animal to be impounded and thereafter held for examination, or exterminated as the case may warrant, and for that purpose, the Police Justice may issue a search warrant to said Poundmaster or Marshal for the entrance into any property or premises within the Town.

SECTION 7.08.140. MOLESTING OF CONFINED ANIMALS. Any animal confined by a fence, leash, rope, chain or other enclosure within the boundaries of the premises of the owner of the animal, shall be safe from annoyance and molestation. Any person, other than the owner of the animal, who shall in any manner annoy, molest or disturb any animal so confined, or who shall open any gate or other opening in a fence or other enclosure within which the animal is

confined, or in any manner disturb any enclosure, shall be guilty of a violation of this Chapter, and upon conviction, shall be fined not less than \$1.00 and not more than \$100.00; provided, however, that the portion of this Section prohibiting persons other than the owner from opening gates in fences, the opening of which is necessary to gain access to the owners premises, shall not apply to persons authorized to enter such premises, as for the purpose of delivering merchandise ordered by such owner to be delivered, or of reading any meter placed upon the premises for the purpose of measuring merchandise already consumed by such owner.

SECTION 7.08.150. APPOINTMENT OF POUNDMASTER. The Mayor of the Town, with the advise and consent of the Town Council may appoint a Poundmaster for whatever period is deemed necessary, the salary or other remuneration of the Poundmaster to be set by resolution of the Town Council.

SECTION 7.08.160. IMPOUNDMENT OF ANIMALS. The Poundmaster of the Town shall have the power and is authorized and directed to take into custody and impound any animal declared in this Chapter to be a public nuisance, and take into custody and impound any dog found running at large within the Town. No animal held in custody shall be kept without suitable food and clean drinking water furnished twice each day and no animal so held shall be subjected to any unnecessary suffering or discomfort, and it is hereby made the duty of the Poundmaster to exercise reasonable care for the safety and welfare of the animals held by him, and to employ no unnecessarily cruel or inhumane means of controlling or destroying the animals.

SECTION 7.08.170. PERIOD OF CONFINEMENT; DESTRUCTION. The Poundmaster shall place all apprehended animals in the Town pound, which shall be provided, suitable for the purpose of keeping dogs and other animals, and shall keep all domestic animals for a period of at least five days, or until such sooner time as the owner of the animal shall apply for the said animal's release. Whenever any domestic animal has been held in the pound for a period of five days

as aforesaid, or for a longer period if in the opinion of the Poundmaster there is any purpose to be accomplished by so keeping it, without any person having claimed the animal or having offered to pay the charge against it, including the license fee, if any, then and in that case the Poundmaster is authorized to destroy the animal by such humane means as may be approved by the Town Council. Provided, however, in the case of wild animals or in the case of diseased domestic animals impounded under this Chapter, other than those domestic animals affected or thought to be affected by rabies, it shall not be necessary to await the expiration of the redemption period of five days before destroying such animals.

SECTION 7.08.180. NOTICE TO OWNER. As soon as possible after any dog or other domestic animal has been impounded as herein provided, it shall be the duty of the Poundmaster or his representative to notify the Town Clerk of the license tag number, year and the issuing authority, if other than the Town of Mills, of the dog which has been impounded, and in the event the dog or animal does not have a license tag, the color, breed, if ascertainable, general description of the animal, and such other information as the Poundmaster may reasonably determine from the collars, tags and appearance of the animal itself. The Town Clerk shall thereupon attempt notification of the person, if known, who owns the animal, by a letter, postal card or by telephone.

SECTION 7.08.190. RELEASE; PAYMENT OF FEES. The person entitled to the possession of any animal impounded as provided herein, may make application to the Town Clerk for the release of such animal, and upon payment of \$2.00 for the first day the animal has been impounded and \$1.00 for each day or any part thereof thereafter; and in addition thereto, in the case of unlicensed dogs, the payment of the current year's license fee shall, upon presentation to the Poundmaster of the Town Clerk's receipt for such fees and costs, be entitled to have such animal released to him. Provided, however, in the event such animal is affected or is thought to be affected with

rabies, hydrophobia, mange, or other infectious or contagious disease, such release shall be granted only upon certification, at the owner's expense, by a licensed veterinarian, that the animal is not so infected or diseased. If found to be so infected or diseased, the animal shall be destroyed.

SECTION 7.08.200. DOG BITE; EXAMINATION. It shall be the duty of the Poundmaster, when a complaint or notice is received that an animal has bitten a person, to take the animal into custody and to immediately, at the expense of the owner, confine the animal under the observation of a licensed veterinarian for a period of fourteen days, or for such other period as the veterinarian may designate. If, after ~~the~~ examination, the animal is found not to have rabies, it may be returned to its owner upon payment by him of all fees and charges. If, however, at any time during the examination the animal is found to have rabies, it is to be destroyed and disposed of with the advice and under the instructions of the veterinarian.

SECTION 7.08.210. ENTRY TO PRIVATE PROPERTY. In the enforcement of any of the provisions of this Chapter, the Poundmaster or Town Marshal may, and is hereby authorized to enter the premises of any person and take possession of any animal, licensed or unlicensed, when in pursuit of such animal at the time the animal goes upon ^{the} private property.

SECTION 7.08.220. SAVINGS CLAUSE. If any section, sub-section, sentence or clause of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7.08.230. FORMER ORDINANCES REPEALED. Ordinances numbered 68, 68-A and 68-B, presently appearing in the Mills Municipal Code as Sections 7.08.010 through 7.08.050, and all Ordinances or parts of Ordinances in conflict herewith, are hereby repealed.

Passed on First Reading 7 day of February, 1969.

Passed on Second Reading 17 day of February, 1969.

Passed on Third Reading 7 day of March, 1969.

Passed on Third Reading ___ day of _____, 1969.

TOWN OF MILLS, a Municipal Corporation

BY: George Sward

Seal

Attest: Norene Reed
Norene Reed, Clerk of Town of Mills,
a Municipal Corporation

I, Norene Reed, Town Clerk of the Town of Mills, Wyoming, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 185, entitled "AN ORDINANCE PROVIDING FOR THE LICENSING OF DOGS WITHIN THE CORPORATE LIMITS OF THE TOWN OF MILLS; PROHIBITING ~~CER-TAIN~~ ANIMALS FROM RUNNING AT LARGE WITHIN THE TOWN; PROVIDING PENALTIES FOR VIOLATION OF THE ORDINANCE; PROHIBITING THE MOLESTATION OF CONFINED ANIMALS; ESTABLISHING THE OFFICE OF POUNDMASTER AND THE DUTIES OF SUCH POUNDMASTER; AUTHORIZING THE IMPOUNDING AND DESTRUCTION OF CERTAIN ANIMALS, AND REPEALING AND RE-ENACTING CHAPTER 7.08 OF THE MILLS MUNICIPAL CODE." 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 7 day of March 1969.

Sign: Norene Reed
Norene Reed, 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. 185, approved, and passed as certified above, were, following its passage by the Town Council, posted up in the Town Clerk's office in the Mills Post Office for a period of ten 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 25 day of March, 1969.

Sign: Norene Reed
Norene Reed, Town Clerk