

## 152 – ORDINANCE No. 2007-08

**AN ORDINANCE AMENDING, VACATING AND REPLACING ORDINANCE 102 – ORDINANCE NO. 2003-15 PROVIDING FOR A MUNICIPAL CRIMINAL ORDINANCE TO REGULATE ANIMALS IN THE TOWN OF ALPINE, WYOMING, PROVIDING FOR SEVERABILITY, ORDINANCES REPEALED, JURISDICTION, AND EFFECTIVE DATE.**

**NOW, THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF ALPINE, WYOMING:**

### **Alpine Municipal Criminal Ordinance**

#### **ANIMALS**

**Sections:**

152-01	Animal Control Authority
152-02	Animals & Fowl at Large
152-03	Animal Shelter
152-04	Interference with Impoundment Prohibited
152-05	Animal License Required
152-06	Rabies Vaccination Required
152-07	Cruelty to Animals Prohibited
152-08	Livestock Prohibited
152-09	Number of Animals Allowed
152-10	Offensive Animal Enclosures
152-11	Animal Carcass is Nuisance
152-12	Disposal of Animal Carcass
152-13	Noisy Animal
152-14	Vicious or Dangerous Animals Prohibited
152-15	Failure to Comply
152-16	Claims

**152-01 – Animal Control Authority**

An agent of the Town, the Alpine Police Department, Lincoln County Sheriff's Department, Animal Control Officer or other person designated by the Town for such person is authorized to capture and impound any animal or fowl found at large as defined in section 102-02. Reasonable inquiry shall be made to identify the animal or fowl's owner. Any animal or fowl impounded more than 120 hours may be destroyed in a reasonable manner, and no liability shall incur to the animal control officer, police officer, deputy sheriff or the Town of Alpine or the person destroying the animal.

**a) Animal Control Officer Authority**

The Town of Alpine 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 ordinance. 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 person(s). Additionally, the animal control officer may impound and have destroyed any loose or stray animals or fowl as hereinafter set forth. Baiting and trapping animals is strictly prohibited unless it is at the hand of the animal control officer or other designated agent of the town.

**152-02 – Animals and Fowl at Large**

No person owning or having in his custody any animal or fowl shall permit the same to go at large to the injury or annoyance or nuisance of others, nor shall such animal or fowl be permitted at large upon the streets or other public ways of the town of Alpine. The animal will at all times, be under the control of the owner either by voice command or physical restraint.

Any person who shall violate any of the provisions of this section shall be guilty of a Class C misdemeanor.

**152-03 – 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 he may be hired as an employee or an independent contractor and shall be compensated accordingly.

**a) Return to Owner**

If the officer has, or with reasonable dispatch can obtain, the name of the owner of the custodian of the animal or fowl, officer will return it to the residence of said person, provided that the animal is properly tagged with Town license and vaccination tags. 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 or cannot be determined with reasonable inquiry, a picture may be taken of the animal and posted at the clerk's office for 5 (five) days.

**b) Owner to Pay Board and Costs for Animal**

If the owner has an animal impounded, the owner will pay the maximum boarding fees of **TWENTY FIVE DOLLORS (\$25.00) PER DAY** to the animal shelter together with any other costs incurred therein. The costs, in addition to the boarding rate for which the owner or custodian is liable, shall include, but is not limited to, rabies vaccination, Town license fees, and necessary health care. An owner who does not redeem his animal shall still be liable for all boarding fees and costs, including euthanasia costs. If the animal is not properly tagged and is impounded, the animal can be destroyed after 5 (five) days of boarding. Any stray animal impounded will be advertised at the clerk's office for 5 (five) days.

**152-04 – Interference with Impoundment Prohibited**

Any person who shall obstruct, hinder or delay, the said police, or his assistant, in taking away any such animal, or who shall willfully set any of such animals mentioned above at large within the Town limits of the Town of Alpine, or break or assist to break, any enclosures where the said animals are confined, shall be deemed guilty of a Class C misdemeanor.

**152-05 – Animal License Required**

Any person living within the incorporated limits of the Town of Alpine, who shall keep a dog or cat, shall after the first day of May of each year obtain a rabies vaccination and Town license tag. The license tag and rabies vaccination tag shall be obtained at the time of the rabies vaccination and will be accomplished each year for either dog or cat by May 20<sup>th</sup> of any year. The owner will attach the tags to a collar, which shall be worn by all licensed animals and a copy of a vaccination certificate and Town license certificate will be maintained by both the owner and Town Clerk’s Office. Pet licenses can be obtained from the animal control officer and the clerk’s office.

**a) License Fee Rates**

Annual Town License Fees shall be as follows:

Dog License Fee (Spayed or Neutered)	\$10.00
Cat License Fee (Spayed or Neutered)	\$5.00
Special Permit Fee for Un-spayed / Un-neutered	\$50.00

**b) Penalty**

Any person who shall violate any of the provisions of this section shall be guilty of a Class D misdemeanor.

**152-06 – Rabies Vaccination Required**

All dogs, cats, and any other animals designated by the Town Council, shall have and maintain a current rabies vaccination on or before three months of age and every year thereafter. In the case of cats, every cat shall receive a rabies vaccination on or before 3 (three) months of age and every year thereafter. The rabies vaccination rate for any other designated animal shall be in accordance with recommendations of a veterinarian. At the time of license application, the owner shall state upon a printed form for such purpose, his or her name and address and the name and breed, color and sex of each dog or cat owned by him or her, whether such dog or cat has been spayed or neutered, and in the case of spayed or neutered dogs or cats the owner shall submit a certificate from a licensed veterinary surgeon that his or her dogs or cats have been spayed or neutered. Any dog or cat for which no certificate is presented certifying that such dog or cat has been spayed or neutered shall be considered an unsprayed or un-neutered dog or cat used for breeding purposes and shall be charged a special permit fee.

Any person found in violation of this section or any part thereof shall be guilty of a Class C misdemeanor.

**152-07 – Cruelty to Animals Prohibited**

Any person who shall willfully kill, maim or disfigure any domestic animal or other animal, or administer poison to any such animal or expose any poisonous substance with the intent that it shall be taken by any such animal; and every person who shall tie or cause to be tied in-cans, paper bags, or other articles to the tail or any part of any dog or other animal within the limits of this Town, or any person who shall cause or incite any animal to fight for sport or entertainment within the limits of this Town, or any person who shall inhumanely, unnecessarily or cruelly over-work, beat, injure or otherwise abuse any animal within the limits of this Town, or being the owners or having charge of any such animal, shall suffer the same to run at large as defined in section 102-02, in the streets of this Town without food, drink, or shelter, or abandon the same, or neglect the same, shall be deemed guilty of a Class C misdemeanor.

**152-08 – Prohibition of Livestock**

The Town of Alpine has no agricultural zoned areas, therefore, all livestock, which includes but is not limited to, sheep, chickens, cattle, horses, pigs etc. are prohibited to be kept within the Town of Alpine incorporated area. Any person who shall violate any of the provisions of this section shall be guilty of a Class D misdemeanor.

#### **152-09 – Number of Animals Allowed**

Except as otherwise permitted in this ordinance, the keeping of animals in connection with each dwelling shall not exceed a total of three (3) pets, such as dogs, cats and similar household pets, exclusive of birds, fish and other pets which at all times are kept within a fully enclosed building or accessory building and which do not create odor or sound which is detectable to an adjacent lot.

Any person who shall violate any of the provisions of this section shall be guilty of a Class D misdemeanor.

#### **152-10 – Offensive Animal Enclosures Prohibited**

It is a public nuisance for any person to keep or maintain any pen, kennel or enclosure or building for animals in such a filthy or unwholesome condition as to be offensive to neighbors or passers-by or injurious to the health of the neighborhood or of the animal(s) contained within said enclosure.

Upon failure of the person in charge of or control of or responsible for any nuisance to speedily abate such a nuisance, the Town shall abate the nuisance and collect the costs of such abatement.

The abatement of the nuisance by the Town shall not relieve the person in charge of or control of or responsible for any nuisance of any penalty imposed for the violation of these ordinances.

Any person who fails to abate such nuisance after five (5) days written notice shall be guilty of a Class C misdemeanor.

#### **152-11 – Animal Carcass is Nuisance**

It is a public nuisance to cause or suffer the carcass of any animal, fowl or any offal, filth or noisome substance to be collected or to remain in any place in the Town to the prejudice of others.

Upon failure of the person in charge of or control of or responsible for any nuisance to speedily abate such a nuisance, the Town may abate the nuisance and collect the costs of such abatement.

The abatement of the nuisance by the Town shall not relieve the person in charge of or control of or responsible for any nuisance of any penalty imposed for his violation of this Section by the following paragraph.

The violation of this section or any part thereof shall be punishable as a Class C misdemeanor.

#### **152-12 – Disposal of Animal Carcass**

It shall be the duty of every person, being the owner of or having in his possession or under his control, any dog, cat, or other animal or fowl which shall die within the corporate limits, to immediately remove the body of such animal to the disposal site, and to immediately bury the same under three feet of earth.

Any person who shall violate any of the provisions of this section shall be guilty of a Class D misdemeanor.

#### **152-13 – Noisy Animal**

No person owning or having in his custody any animal or fowl shall permit or allow the same to disturb the peace of the Town of Alpine or its inhabitants by any unreasonable noise. This includes any dog which habitually, constantly, or frequently disturbs the sleep, peace, or quiet of any neighborhood or person by howling, whining, or barking for an extended period of time. Such noisy animals shall be considered a public nuisance.

Failure of the owner or person having custody of said nuisance animal(s), to control or quiet said animal(s) is a violation of this section, and shall be guilty of a Class C misdemeanor.

#### **152-14 – Vicious or Dangerous Animals Prohibited**

- a) "Vicious Animal" means any animal which attacks or rushes, bites, snaps, growls, barks or snarls or otherwise menaces persons, other animals or vehicles in any public or private place outside the premises of the owner or keeper, including, but not limited to, streets, alleys and sidewalks or shows a disposition to do any of the foregoing, without provocation or excuse.
- b) It shall be unlawful for any person to own, keep, harbor or allow to be upon any premises or property occupied by him or under his charge or control, any fierce, dangerous, or vicious animal, unless such an animal is properly and well secured by chain, cage, fence or otherwise restricted to the premises occupied or under the control of the person owning, keeping or harboring such animal, so that such animal does not pose a threat or menace to person(s) occupying or using adjoining sidewalks, streets, or alleys. No animal of fierce, dangerous or vicious propensities shall be allowed to run at large or upon the premises of one other than the owner.
- c) If any such animal is found running at large in violation of this section, it shall be taken up and impounded, and shall not be released except upon approval of the animal shelter manager, Municipal Judge, Police officer or other designated person by the Town after payment of the shelter fee and any other applicable fines or fees.
- d) In order for the animal to be released, the owner must provide a confinement area that is adequate to keep the animal confined. If animal is outside the confinement area, it must be on a leash and under the control of the owner, or owner's agent, at all times.
- e) Any animal which attacks any person in a vicious manner may be destroyed under order of the court and the owner or the custodian of the animal may be fined as set forth in subsection (f) below. Proof of the fact that the animal has bitten or attacked any person at any place where a person is legally entitled to be, is presumptive evidence that the animal is vicious within the meaning of this section.
- f) Any person found in violation of this section or any part thereof shall be guilty of a Class B misdemeanor.

#### **152-15 – Failure to Comply with Ordinance**

If adequate provisions are not met and maintained for any animal(s) by the animal's owner, the Municipal Judge has the ability and authority at any time to order the animal(s) be disposed of by euthanasia or adoption.

#### **152-16 – Claims**

Any claim or potential claim made against an animal control officer, Deputy Sheriff, the Alpine Police Department, the Town of Alpine or any agent or employee of the Town of Alpine or the Alpine Police Department, must be made in strict accordance with the Wyoming Government Claims Act. Any claim not made in strict accordance of the Wyoming Governmental Claims Act, shall be void.

#### **Severability.**

If any section, subsection, or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining chapters, sections, subsections, and clauses shall not be affected.

**Conflicting ordinances repealed.**

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

**Territorial jurisdiction of Ordinance.**

The territorial jurisdiction of the regulations found in this ordinance shall include all of the incorporated lands located within the Town of Alpine, and, pursuant to Wyoming Statute 15-3-202(a).

**EFFECTIVE DATE**

*This ordinance shall become effective from the date of its passage.*

Passed on first reading this 17th day of April, 2007.

Vote: 5 yes                      0 no                      0 abstain                      0 absent

Passed on second reading this 1 day of May, 2007.

Vote: 5 yes                      0 no                      0 abstain                      0 absent

Passed on third reading this 15th day of May, 2007.

Vote: 5 yes                      0 no                      0 abstain                      0 absent

TOWN OF ALPINE

BY: Victoria Decora  
VICTORIA DECORA, MAYOR



BY: Kimberlee Jansen  
KIMBERLEE JANSEN, CLERK

**ATTESTATION OF TOWN CLERK**

STATE OF WYOMING        )  
COUNTY OF LINCOLN     )  
TOWN OF ALPINE         )

I hereby certify that the foregoing Ordinance No. 152 was duly posted for ten (10) days in the Town Clerk's office.

I further certify that the foregoing ORDINANCE was duly recorded in the BOOK OF ORDINANCES III, TOWN OF ALPINE, LINCOLN COUNTY, WYOMING, in the LAW ENFORCEMENT SECTION, TITLE V "ALPINE MUNICIPAL CRIMINAL ORDINANCE - TRAFFIC".

ATTEST:



BY: Kimberlee Jansen  
KIMBERLEE JANSEN, CLERK