

ORDINANCE 01-4

AN ORDINANCE AMENDING ORDINANCE 99-7 IN ITS ENTIRETY PROVIDING FOR THE CONTROL AND REGULATION OF ANIMALS WITHIN THE TOWN OF BURLINGTON, PROVIDING FOR THE LICENSING OF DOGS, AND FOR PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF BURLINGTON, BIG HORN COUNTY, WYOMING:

SECTION ONE. DEFINITIONS. For purposes of this Ordinance, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

(a) **At-Large.** Any animal off the premises of the owner, with the exception of cats no larger than 5 (five) pounds, and not

- i) under the control of the owner or a member of the owners' immediate family or other authorized person, or
- ii) temporarily tethered by lease in area open to the public so as not to cause an obstruction in any fashion.

(b) **Dangerous Animals.** Any animal that, in the absence of intentional provocation

- i) inflicts serious bodily injury to a person or animal on public or private property or
- ii) is involved with a sustained attack upon a person, not allowing the victim any means of escape, regardless of the extent of the injury or defensive action required,
- iii) bites an individual (meaning that the skin has been penetrated by an animals' teeth, or saliva from the animal has come into contact with and open wound or mucous membrane).

(c) **Owner.** Any person or person, firm, association or business owning, keeping, or harboring an animal or permitting any animal to habitually be or remain on, or be lodged or fed within his or her house, yard or premises.

SECTION TWO. ALL DOGS MUST BE LICENSED. All dogs within the Town of Burlington must be licensed by the Town of Burlington within two weeks of arriving within the Town of Burlington. The owner of a dog must show proof of a current rabies vaccination of the dog prior to being eligible for a license.

- 2-1. There shall be levied an annual license tax on all dogs within the Town of Burlington of \$5.00 per head on male dogs and all spayed female dogs, and \$15.00 per head on unsprayed female dogs. Such tax shall cover the period of once year from the 1st day of April of that year, to the anniversary thereof, and the proceeds of such tax shall be paid in the office of the Town Treasurer, where it shall be kept in the General Fund.
- 2-2. Other than herein provided, notice, demand, or request to any dog owner or harbinger shall not be necessary, and anyone re-licensing or renewing a license after the expiration of the license period fixed herein shall be tax an additional \$5.00 for delinquent payment.
- 2-3. In case a dog is acquired by a resident of the Town, or brought to the Town by a previous non-resident, on or after six months following the expiration of the licensing period in any year, the licensing fee shall be one-half of the annual license fee.
- 2-4. It shall be the duty of the Town Treasurer to make collection of said license fees. License fees shall be due and payable immediately at the time fixed herein. It shall be the duty of the Town Treasurer to notify town residents for two consecutive months prior to that date that such license fees are due. If such fees are not paid within a period of ten days after the fees become due, all dogs on which such license fees are unpaid shall be impounded by the dog control officer or such other persons as may be designated by the Mayor. Upon payment of license fee and costs necessary for the care of the dog, the dog will be released to the owner. If the dog is not claimed and fees paid within 7 days, the dog will be exterminated.
- 2-5. Each and every owner of a dog, upon the payment of said license fees, shall receive a license tag and it shall be the duty of the such owner to provide a collar for such dog, on which shall be affixed said license tag. If the license tag is not affixed to the dog's collar, or the dog is not wearing a collar, the dog will be assumed to be unlicensed.

SECTION THREE. The following offenses are considered to be nuisances within the Town of Burlington

- 3-1. The presence of any animal running "at-large" with the Town of Burlington
- 3-2. The presence of any unlicensed dog with the Town of Burlington
- 3-3. The presence within the Town of Burlington of any dog in heat which is not confined on the owner's or keeper's premises.

- 3-4. The presence of any animal being subject to inhumane treatment.

SECTION FOUR. If any animal is found to be a nuisance within the Town of Burlington, or a dangerous animal, any town employee may take up and cause the same animal to be confined in a secure pen, animal shelter or other place provided for that purpose as designated from time to time by the Mayor. No animal so taken up and confined shall be released until the owner or person entitled to the possession thereof shall pay to the Town of Burlington, the sum of five dollars as a fee for taking up and receiving each such animal, or fowl, together with a fee per day for each and every day such animal shall be kept so impounded by the Town. Such fees shall be set from time to time by resolution of the Town Council.

- 4-1. If any licensed dog is impounded, or any animal impounded on which the owner is specifically identified, the owner shall be notified by certified mail, and if the animal is not claimed within five days of actual receipt of the notice, and the impoundment fees paid, the animal may be destroyed or sold, and the proceeds used to pay the impoundment fees. If the owner fails to accept the notice or the notice cannot be delivered with 14 days of mailing, the animal may be destroyed or sold, and the proceeds used to pay the impoundment fees.
- 4-2. If the animal does not have any identifying mark indicating the owner's name, the animal shall be impounded for five days, and notification of the impoundment of the animal shall be posted at the Town Hall. If the animal is not claimed within five days, and the impoundment fees paid, the animal may be destroyed or sold, and the proceeds used to pay the impoundment fees.

SECTION FIVE. PENALTY FOR VIOLATION OF ORDINANCE. Any Owner or other person found violating any provision of Section Four shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than twenty five dollars nor more than seven hundred and fifty dollars for each offense. Before any prosecution is brought for a violation of this ordinance, it shall be necessary for the Town of Burlington to notify the owner or keeper of the dog that the dog is creating a nuisance, if it is possible to locate the Owner. Unless the nuisance is abated within 24 hours after the receipt of such written notice, the owner may be charged pursuant to this ordinance.

SECTION SIX. DANGEROUS ANIMALS. It shall be unlawful to keep any dangerous animal within the town limits of the Town of Burlington unless the terms of its holding are approved in writing by the Town Council and the owner has abided by those terms. If any dangerous animal, or animal sick with or liable to communicate rabies or other contagious or infectious disease, shall be found within the limits of the Town of Burlington and cannot be safely taken up and impounded, such animal may be humanely

slain by any town employee or other person authorized by the Mayor or two council members in the Mayor's absence. Any person, including any town employee or town officer, having actual knowledge of a vicious animal, which may be safely taken up and impounded, with in the Town of Burlington, may take a written complaint to the Town Clerk.

- 6-1. If the Town Clerk, after reviewing the written complaint with the Mayor, or two councilmember's in the Mayor's absence, shall determine that the animal in question is a dangerous animal, then the animal
- a) Shall be impounded for at least ten days in the absence of acceptable proof that the animal is inoculated against rabies if the animal has bitten another individual or animal.
 - b) The animal shall thereafter be released to the owner, if cleared by a veterinarian, after pay the impoundment fees and the veterinarian fees. The owner shall permanently remove the animal from the Town within 48 hours or shall confine the animal in an enclosure approved by the Mayor or two members of the Town Council in the absence of the Mayor.
 - c) If the owner of such animal is not known, or if the Owner cannot be located and notified within the time limits outlined in Section Four, or if the owner is known and fails or refuses to remove such dog or meet the conditions set forth in (b), then such dog shall immediately be destroyed by the dog control officer or such other person designated by the Mayor or two members of the Town Council in the absence of the Mayor.

SECTION SEVEN. Any person violating any section of this ordinance shall be fined not less than \$25, nor more than \$750 and costs of impoundment and veterinarian expense.

First Reading: October 9, 2001

Second Reading: July 16, 2002

Third Reading: August 13, 2002