

CHAPTER 5

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ANIMALS AND FOWL

ARTICLE I. IN GENERAL

SECTION 5-1. RUNNING AT LARGE - PROHIBITED; NUISANCE.

No dogs, cats, cattle, horses, hogs, sheep or goats, or chickens, ducks, geese, turkeys, guinea fowls or any other fowl or animal, shall at any time be permitted to run at large within the corporate limits of the city, or within any cemetery or park, or upon any ground owned, leased or controlled by the city, for any propose whatsoever. Any such animals found running at large in any of the hereinbefore mentioned places are hereby severally defined and declared to be a nuisance; and any person having charge of, or being the owner or agent of the owner of any such animals at large within the city or any of the prohibited places, shall be deemed the author of a nuisance, and shall upon conviction, be deemed guilty of a misdemeanor.

SECTION 5-2. SAME - DEFINED.

At Large - A dog is deemed at large if it is off the premises of the owner and the dog is not under restraint of leash. The leash must be held by a person physically capable of controlling the dog Within the I-1 and R zones a dog is deemed to be at large if it is off the premises of the owner and the dog is not under restraint of leash or electronic control collar. Within the A, A-1 and I-2 zones a dog is deemed to be at large if it is off the premises of the owner and the dog is not under control of voice, electronic control collar or leash. A cat is deemed at large if it is on private property without prior permission of the property owner. At large shall include, but not be limited to, any dog or cat or dogs or cats which:

- (a) Molest people or passing vehicles (including bicycles).
- (b) When off the premises of the owner, attacks other domestic animals.
- (c) Trespasses on school grounds or posted city park or a dog which trespasses on private property without prior permission of the property owner.
- (d) Damages private or public property.
- (e) Is an unrestrained female dog or cat in heat.
- (f) Presents a traffic hazard.

Leash - is deemed to mean any common leash, cord, rope, chain or other similar devices no longer than six feet in length and of sufficient strength to restrain and control the dog to which it is attached. Also acceptable as a leash are retractable devices whose length

does not exceed 26 feet.

Exceptions - On-Duty Law Enforcement Working Dogs and Service Animals, as defined by the Americans With Disabilities Act, are exempt from the requirements of this ordinance while in the performance of their duties.

SECTION 5-3. SAME - IMPOUNDMENT.

- (a) Any police officer or animal control officer of the city may take up and impound any animal or fowl referred to in Section 5-2 found running at large and they may do so without filing a complaint.

When in pursuit of any animal at large, the officers may go onto private property exclusive of buildings, and take such animal into possession for impoundment.

In addition to, or in lieu of, impounding a dog or cat found at large, the animal control officer or police officer may issue to the known owner or his agent of such animal a citation or notice of ordinance violation. A criminal warrant may be initiated before the Municipal Judge in the event the owner or his agent fails to appear as stated in the citation or notice or fails to post an appropriate bond in lieu thereof.

- (b) No animal so taken up and impounded shall be released until the owner, possessor or keeper thereof has paid the fee established pursuant to section 5-25, been given a receipt therefore, and complied with any other applicable police department requirements.

SECTION 5-4. SAME - SAME - NOTICE TO OWNER; SALE OF UNCLAIMED ANIMALS OR FOWL.

- (a) If a dog or cat is impounded at the municipal animal shelter with a valid license attached to its collar or if the animal control officer has actual knowledge as to the identity of the owner, the animal control facility staff will notify the owner by phone or by mail to the address currently listed on the license application.
- (b) It shall be the duty of the chief of police and the city clerk to sell at public auction any animal or fowl, excepting dogs and cats so impounded upon giving at least five (5) days previous notice to the owner or person in charge of the impounded animal, if known, of the time and place of such sale, which notice shall describe the animal with reasonable accuracy; provided, that any such animal may be redeemed at any time before the sale by payment of the fees and charges provided in Section 5-25.
- (c) In case any animal or fowl, sold pursuant to the provisions of this section, shall be sold for more than an amount sufficient to pay the fees and charges required

pursuant to Section 5-3, the excess shall be deposited with the city treasurer. Such excess shall be paid to the owner of such animal or to the person entitled to the possession of such animal, upon claim and proper proof presented by such person.

- (d) Animals not claimed or sold shall be disposed of in the most humane manner available at the time of disposal.
- (e) Redemption of impounded dogs will be pursuant to Section 5-25.

SECTION 5-5. ANIMALS PROHIBITED ON CITY PROPERTY; NUISANCE.

No dogs, cats, cattle, horses, hogs, sheep or goats, or chickens, ducks, geese, turkeys, guinea fowls or any other fowl or animal, shall at any time be permitted for any purpose whatsoever, on or within any public park, or upon any ground owned, leased or controlled by the city where signs giving notice of such prohibition are posted. Any such animals found in any of the hereinbefore mentioned places are hereby severally defined and declared to be a nuisance; and any person having charge of, or being the owner or agent of the owner of any such animals shall be deemed the author of a nuisance, and shall, upon conviction, be deemed guilty of a misdemeanor; provided, however, nothing herein contained shall be deemed to prohibit the use of seeing-eye dog, on or within the aforementioned premises.

SECTION 5-6. LEAVING DOG UNRESTRAINED IN VEHICLE.

No person shall leave a dog unattended in the bed of a pickup truck in a public parking area unless the dog is restrained in such a manner as to prevent the dog from making physical contact with a pedestrian which is passing the truck in a place where that pedestrian is legally entitled to be.

SECTION 5-7. PLACES PROHIBITED TO DOGS.

It shall be unlawful for any person to take or permit any dog, except seeing-eye and other dogs excepted by state and federal law, whether loose or on a leash or carried in arms, in or about any establishment or place of business where food or food products are sold or displayed; including, but not limited to, restaurants, cafes, grocery stores, meat markets, fruit stands and supermarkets.

SECTION 5-8. NOISY DOGS.

Every noisy dog or dog which by howling, whining or barking disturbs the peace and quiet of any neighborhood for any extended period of time, is a public nuisance and failure of the owner, owner's agent or person in possession of such dog to control and quiet such dog will be a misdemeanor.

SECTION 5-9. BREAKING OPEN, ETC., POUND.

It shall be unlawful for any person, directly or indirectly, to break open or to aid, abet or assist any person in breaking open any pen or enclosure, with the intention of releasing any animal confined therein pursuant to the provisions of this chapter.

SECTION 5-10. CRUELTY TO ANIMALS.

It shall be unlawful for any person to overdrive, overload, drive when overloaded, overwork or torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, or mutilate or needlessly kill, or in any other way mistreat in a cruel or inhumane manner any animal, or cause or procure it to be done; or having the charge and custody of any animal, fail to provide it with the proper food, drink or protection from the weather, or wilfully abandon it.

SECTION 5-11. LEAVING DOG UNATTENDED IN VEHICLE.

It is considered cruel, and therefor unlawful for a person to leave a dog or cat unattended in a motor vehicle when the temperature is seventy (70) degrees or above, unless, in the opinion of the officer, adequate ventilation and water is provided.

SECTION 5-12. KEEPING OF ANIMALS - EXCEPTIONS.

- (a) The keeping within the City of Kemmerer of any animals, including, but not limited to, cattle, horses, hogs, sheep, or goats, or chickens, ducks, geese, turkeys, guinea fowl, or any other fowl with stock pens, sheds, or any enclosure, unless in an area properly zoned therefore, shall be prohibited unless otherwise provided for by Section (b) of this ordinance.
- (b) With the exception of rabbits being raised for a 4-H project (not to exceed 2 per 4-H household member) the keeping of any exotic animals as house pets, including but not limited to, potbellied pigs, exotic birds or legally possessed birds of prey, raccoons, snakes, skunks, rabbits, or any other form of tamed wildlife shall be permitted, provided that no animal shall be kept in any shed, barn, cage, or enclosure, or structure outside the main dwelling of the property where the animal(s) is located.
- (c) House Pets Defined - An animal that is kept in the main dwelling of the property where the animal is located and only allowed outdoors at incremental periods throughout the day. The term HOUSE PET shall not include any horse, cattle, sheep, goat, chickens, or ducks or any animal that customarily requires an area for grazing, a corral, a pen, or barn, or other structure or area for the primary keeping of such animal.

SECTION 5-13. REMOVAL OF ANIMAL WASTE.

The owner of every dog or cat shall be responsible for the removal of any excreta deposited by his/her animal on public walks, recreation areas, or private property other than that of the owner.

SECTION 5-14. TRAPPING.

- (a) Definitions. As used in this Ordinance, the terms below have the meanings described:
 - (1) Trap means any mechanical device or snare which seeks to hold, capture or kill an animal.
 - (2) Trapping means the setting or laying or otherwise using of a trap.
- (b) Trapping; Prohibited. It shall be unlawful for any person, firm, corporation or association to do any trapping anywhere within the city limits.
- (c) Exceptions.
 - (1) The provisions of this Ordinance do not apply to the use of any trap specifically designed to kill rats or mice.
 - (2) The provisions of this Ordinance do not apply to the use of traps employed by the warden of the Wyoming Game-Fish Department or his agent for the control of nuisance animals.
 - (3) The provisions of this Ordinance do not apply to the use of live traps employed by the City Police Department or City Council approved contractor for the control of nuisance animals.

SECTION 5-15. CAPTURING OF STRAY ANIMALS.

No person may capture, restrain, harbor or take possession of any animal not owned by said person, unless said person shall notify or deliver the animal to the animal control facility within twenty-four (24) hours.

SECTION 5-16. MEDICAL TREATMENT OF ANIMALS.

A veterinarian licensed in the State of Wyoming is authorized to dispense to the animal control officer of the City of Kemmerer any prescription for any medication, drug, or controlled substance necessary for the care, treatment or destruction of any animal, or for aiding the animal control officer in the performance of his or her duties in compliance with the laws of the United States, State of Wyoming, and the City of Kemmerer.

The animal control officer for the City of Kemmerer is authorized to receive from a licensed veterinarian any prescription for, or to receive any drug, medication or controlled substance for the care, treatment, destruction or other use consistent with the performance of his or her duties giving affect to the provisions of this chapter.

SECTION 5-17. DOGS AND CATS IN ESTRUS.

Every female dog or cat shall be confined in a building or secured enclosure in such a manner that such female dog or cat cannot come into contact with another animal, except for planned breeding.

SECTION 5-18. QUANTITY OF ANIMALS.

- (a) Animals which are generally kept within a premise or yard are not permitted in quantities of more than four (4) adult animals per premise, except for the purposes of conducting a bona fide dog or cat show for public attendance and appreciation or a short term community event.
- (b) Any dwelling or other property maintaining more than four (4) dogs or cats shall be considered a kennel; provided that more than four (4) dogs or cats of the same litter may be maintained on the premises until they shall attain the age of four (4) months.

ARTICLE II. DOGS AND CATS - LICENSING

SECTION 5-19. DEFINITIONS.

For the purpose of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section.

Dog shall be intended to mean both male and female canines.

Owner shall be intended to mean any person owning, keeping or harboring a dog.

Vaccinate shall mean the inoculation of a dog with anti-rabies vaccine which shall be administered by any licensed veterinarian.

SECTION 5-20. REGISTRATION AND LICENSING - REQUIRED; FEES; EXPIRATION.

It shall be unlawful for any person to keep or harbor any dog or cat in the city unless he shall cause the same to be registered and licensed by the city clerk or his delegate as soon as such dog or cat is four (4) months old or within thirty (30) days after a new dog or cat is brought into the city.

The license and registration fees for both one and two year licenses shall be in such sum as may be established from time to time by resolution of the city council.

All licenses shall expire on year after the date of issue for a one year license, and two years after the date of issue for a two year license. License and registration fees are not refundable under any circumstances.

SECTION 5-21. SAME - VACCINATION CERTIFICATES PREREQUISITE TO ISSUANCE OF LICENSE.

No license shall be issued under this article unless the applicant therefore shall have obtained and exhibited to the city clerk or his delegate a valid certificate or tag issued by a licensed veterinarian showing that the dog or cat sought to be licensed has been currently vaccinated for rabies, plus, dogs must have a DPC (5-way) injection which includes (CAV-2) Hepatitis, Lepto C & I, Parainfluenza, Coronavirns and Parvo Virus; cats must have a CVRC (4-way) injection which includes Panlekopenia, Rhiotracheitis, Calisi Virus and Chlamydia. Rabies vaccinations may be honored for two (2) years.

SECTION 5-22. SAME - ISSUANCE AND WEARING OF TAG.

Upon collection of each license and registration fee and production of a current certificate showing that the said dog or cat has been vaccinated with anti-rabies vaccine, the city clerk shall give to the owner or keeper a license; and he shall give to the owner or keeper a license tag or metal plate, bearing the number of the license and the date of the year of issue of the license. Such tag or metal plate shall be secured by the owner around the neck of the animal registered; and it shall be unlawful for any person to put upon any dog or cat any tag or metal plate of the kind herein required, except the one (1) delivered by the city clerk or his delegate for that particular animal.

SECTION 5-23. IMPOUNDMENT - REQUIRED OF ANIMALS WITHOUT VALID LICENSE; ENFORCEMENT.

Any dog or cat found within the city without a current and valid license or tag as required in this article is hereby declared to be a public nuisance and any city police officer or animal control officer is hereby authorized to pick up and confine any such dog or cat.

SECTION 5-24. SAME - REDEMPTION; DISPOSITION OF UNCLAIMED ANIMALS.

- (a) Upon the impounding of any dog or cat, the owner, possessor or keeper of such dog or cat, if known, shall be immediately notified by the police officer or his representative, such notice may be given by telephone or in person or by written notice. If such owner, possessor or keeper does not call and claim said dog or cat within a period of five (5) days after impoundment, the dog or cat may be redeemed by any other person, as hereinafter provided, who secures a license for such dog or cat as provided in this article.
- (b) Upon claiming any impounded dog or cat, the claimant shall pay the cost of

impounding the dog or cat to the date of claiming the animal, pursuant to Section 5-25.

- (c) Dogs or cats not redeemed by anyone or sold shall be disposed of in the most humane manner available at the time of disposal.

SECTION 5-25. REDEMPTION CHARGES.

- (a) Any dog or cat impounded may be redeemed by the owner, or any other person if the animal has been impounded for five (5) days or more, upon payment of all costs and charges incurred by the City of Kemmerer for impounding and maintaining such animal; such costs and charges shall be as set by resolution of the Governing Body from time to time.
- (b) No unlicensed dog or cat may be reclaimed, unless the person reclaiming the dog or cat pay the fees fixed above. In addition, the person reclaiming the dog or cat must show proof of a current city license. If no proof can be shown a citation will be issued for violation of section 5-21. If the owner produces proof of rabbie vaccination and purchases a city license prior to the court date, the citation will be dismissed.

ARTICLE III. VICIOUS DOGS

SECTION 5-26. DEFINITION.

Vicious Dog includes any dog which attacks or rushes, bites, snaps, growls 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 streets, alleys and sidewalks, or shows a disposition to do any of the foregoing, without provocation or excuse.

SECTION 5-27. UNLAWFUL.

It shall be unlawful for any person to own, keep, harbor or allow to be upon any premises occupied by him or under his charge or control, any vicious dog, unless such a dog 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 dog, so that such dog does not pose a threat or menace to persons occupying or using adjoining sidewalks, streets or alleys.

SECTION 5-28. NUISANCE.

Upon conviction under this ordinance for the first (1st) time, the court may, if circumstances warrant, order destruction of the dog as a nuisance, provided further, that the owner shall be required to post warning signs on the premises where the dog is kept.

Upon the conviction for a second (2nd) time under this ordinance, and upon proof that the dog has bitten a person, or attacked other animals, the court shall order the dog destroyed as a nuisance. In no event shall such dog be destroyed until such time as a rabies examination, at the owner's expense, has been made.

SECTION 5-29. IMPOUNDMENT.

A law enforcement officer or an animal control officer may order a dog or cat quarantined if the officer has reason to believe that the animal which bit a person is infected with rabies, or has been in contact with a rabid animal. If a quarantine cannot be imposed because a dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or the owner may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. After the animal is dead, the head is to be severed from the body and sent to the State Laboratory for examination.

The person owning, keeping or harboring the dog shall be responsible for all the costs of impoundment, in addition to any fine levied under Section 1-5.

ARTICLE IV. KEEPING OF CHICKENS

SECTION 5-30. PURPOSE.

The keeping of chickens in the city supports a local, sustainable food system by providing an affordable, nutritious source of protein. The keeping of chickens also provides free, quality, nitrogen-rich fertilizer, and chemical-free pest and weed control. The keeping of chickens shall be for household purposes only and shall not be a commercial venture.

SECTION 5-31. DEFINITIONS.

Chicken: A chicken (*Gallus gallus domesticus*) is a domestic fowl kept for its eggs or meat.

Chicken Run: A wire enclosure connected to a henhouse for the purpose of allowing chickens to leave the henhouse while remaining in an enclosed, predator-safe environment.

Henhouse/Coop: A structure for the sheltering of female chickens.

SECTION 5-32. NUMBER, TYPE AND LOCATION.

The maximum number of chickens allowed is six (6) per premise.

Only female chickens are allowed. There is no restriction on species. Roosters are not permitted on the premises at any time.

Chickens shall only be permitted in the A – Agriculture, R - Residential Zone, RE Residential Estate Zone and Ra Single Family Residential zone 7,000 square feet or greater.

SECTION 5-33. ENCLOSURES.

- (a) Chickens shall be confined within a secure outdoor enclosed area.
 - (1) The enclosed area shall include a covered, ventilated, and predator-resistant chicken coop.
 - (2) The coop shall have a minimum floor area of a least two (2) square feet per chicken.
- (b) If chickens are not allowed to roam within an enclosed area outside the coop, the coop shall have a minimum floor area of six (6) square feet per chicken.
 - (1) The coop shall be located in a rear yard at least twenty-five (25) feet from any dwelling.
 - (A) The coop and enclosed area shall be maintained as provided below.
 - (1) All coops or buildings where fowl are housed shall be whitewashed or sprayed with some standard disinfectant at least three (3) times yearly.
 - (2) All droppings under roosts shall be cleaned out at least once every (2) two weeks.
 - (3) All coops, runways and surroundings shall be kept in a clean and sanitary condition.
- (c) Chicken feed shall be stored and dispensed in rodent-proof and predator-proof containers.
- (d) Henhouses/Coop
 - (1) A henhouse/coop shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood.
 - (A) The structures shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and secured at night. Opening windows and vents must be covered with predator and bird-proof wire of less than one (1) inch openings.
 - (B) Heat source shall be provided when the ambient outdoor temperature falls below 32 degrees Fahrenheit.
- (e) Chicken Runs.
 - (1) An enclosed chicken run must be provided consisting of sturdy wire fencing. The pen must be covered with wire, aviary netting, or solid roofing. The enclosure shall have a minimum area of square feet per chicken not to exceed 225 square feet.

SECTION 5-34. PREDATORS, RODENTS, INSECTS, AND PARASITES.

The property owner shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites.

SECTION 5-35. FEED AND WATER.

Chickens must be provided with access to adequate food and scratch and clean water (not frozen) at all times.

SECTION 5-36. WASTE STORAGE AND REMOVAL.

Provisions must be made for the storage and removal of chicken manure. All manure shall be covered by a fully enclosed structure with a roof or lid over the entire structure. All other manure not used for composting or fertilizing shall be removed. In addition, the coop, chicken run and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

SECTION 5-37. PERMIT REQUIRED; FEES.

- (a) A permit to keep chickens shall be issued by the Community Development Department.
The permit will require a physical inspection of the property to ensure the chicken coop and run conforms to the standards of Section 5 – 33 Enclosures and provides adequate food storage and waste removal.
- (b) The chicken keeping permit shall be subject to a fee as determined by the City Council.
- (c) A chicken keeping permit shall include a fee determined by the City Council and which may be amended from time to time.
- (d) Any denial, revocation or suspension of a permit shall be in writing and shall include notification of the right to and procedure for appeal.
- (e) A chicken keeping permit shall be issued to any person in charge or control of any private property whether as owner, tenant, occupant, lessee, contract purchaser or otherwise. The permit shall be issued to the applicant only and the permit shall terminate upon the applicant’s vacation of the property.

SECTION 5-38. NOTICES AND APPEALS.

(a) Any person found to be in violation of this article shall be issued a written warning by the Community Development Department staff and given three (3) calendar days to remedy the violation. Any continued or further violation of this article shall be subject to the issuance of a citation and notice to appear by a Police or Code Enforcement Officer

All surrounding property owners shall receive written notice that a chicken keeping permit has been issued. Any person may appeal the issuance or denial of a permit by the Community Development Department to the Zoning Board within ten (10) days of the decision being appealed.

Any person denied a permit based on the inability to conform to the performance standards of this article due to topography, irregular lot shape or size may appeal to the Zoning Board. The Zoning board may vary the standards and only with the consent of the adjoining property owner(s). Any decision of the Zoning Board may be appealed to the City Council.

SECTION 5-39. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this article is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance.

SECTION 5-40. PENALTY.

- (a) Violation of the Ordinance can be punished by a fine of up to \$250.00. Each day of violation constitutes an additional offence.

SECTION 5-41. REMOVAL OF CHICKENS.

In addition to the penalty, any violation of the provisions of this article or of the permit shall be grounds for an order from the Court to remove the chickens and the chicken-related structures.