

ANIMAL CONTROL

ORDINANCE 2025-05

AN ORDINANCE AMENDING AND READOPTING ORDINANCE 2012-01 CREATING AND ADOPTING RULES, REGULATIONS AND REQUIREMENTS FOR ANIMAL CONTROL AND ENFORCEMENT THEREOF.

WHEREAS, the Wyoming Legislature has authorized towns to provide for enforcement of certain codes by code compliance officers; and

WHEREAS, the Town Council for the Town of Bear River, Wyoming desires to adopt an ordinance regulating certain animals and providing for animals that may become a nuisance and for abatement of such nuisances,

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE TOWN OF BEAR RIVER, WYOMING THAT:

Section 1:

1-1 Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meanings respectively described in this section:

ABANDON – The act of relinquishing the care, custody and control of an animal without provision of adequate food, water or proper shelter. An animal that remains at an animal shelter for more than seventy-two hours shall be deemed abandoned.

ANIMAL – Any warm-blooded animal except human beings

AT LARGE – Every animal shall be considered running “at large” when it is physically off the property of the owner and not under immediate restraint by a competent person.

BUSINESS LICENSE – Certificate issued by the Town of Bear River for the sole purpose of operating a business within the Town of Bear River. (See the Town’s Business License Ordinance)

CAT – A domesticated, feral (wild), stray feline

CODE COMPLIANCE OFFICER – Any person appointed by the Town of Bear River to enforce this ordinance or any other ordinance as directed.

COMMERCIAL LIVESTOCK – The raising, boarding, stabling of any livestock for the purpose of re-sale, or when a commercial livestock operation is conducted for financial remuneration, goods or services, regardless of form currency or trade.

COMPETENT PERSON – A person that can control an animal belonging to or in his/her charge.

CONFINED – Within an enclosure designed to prevent intrusion or escape by any animal.

DANGEROUS ANIMAL – Any animal that constitutes a physical threat to human beings or other animals, or has a disposition or propensity to attack or bite any person or other animals without provocation, or which is wild by nature and of a species which, due to size, vicious nature or other characteristics, constitutes a danger to human life, physical well-being or property, or any animal which has been known to bite or attack a human being or other domestic animals, without provocation, one or more times. No dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing or attempting to commit a crime or was the result of the actions of a certified police dog acting within the scope of its duties as a police dog.

DOG – A domesticated canine.

DOMESTIC ANIMAL – Any animal raised in captivity that is trained to live with human beings and other animals.

ENCLOSURE – A fence or structure forming an area with secure sides, and bottom designed to prevent intrusion or escape of an animal.

EUTHANIZED – The termination of an animal's life in a humane manner.

KENNEL – A building or pen established for the housing of dogs for the purpose of boarding or breeding. For this ordinance, the keeping of four or more dogs four months or older shall be considered a kennel.

LEGAL OWNER – Any person having personal property rights or similar rights of control to any domestic animal.

LIVESTOCK – Domestic animals raised for home use including but not limited to cattle, sheep, goats, horses, pigs, chickens, ducks, geese, and rabbits.

PREDATOR – Coyote, raccoon, fox, skunk, wolf or weasel or any animal listed by Wyoming Game and Fish as a predator.

RABIES CERTIFICATE – A certificate issued by a licensed veterinary verifying that an animal is vaccinated against rabies, and which includes the date of immunization, the date that the immunization expires and the type of vaccine used.

SHELTER – A structure or enclosure designed and built to protect animals from the weather conditions as necessary for the health and wellbeing of an animal.

STABLE - An area on a property which sole purpose is for the boarding of livestock for any type of compensation.

TOWN – The Town of Bear River

TRAPPING – Any means of catching and containing an animal as approved by the Town.

SECTION 2:

2-1 Responsibility of person harboring animals

Any person who shall keep or harbor any animal or permit the same to habitually remain or be fed or sheltered in, upon or about his/her premises shall be considered and held to the owner of such animal and responsible therefore under the terms of this ordinance.

2-2 Running at large --- Prohibited

No animal shall at any time be permitted by the owner to run at large within the Town. Any person convicted of this section may be fined as imposed in section 3-16

SECTION 3:

3-1 Animal waste --- Owner responsibility

- A. It is the responsibility of owners and property occupants to keep their property free of animal feces so as not to create a situation where offensive odors are emanating from the property, where the accumulation of feces is entering the irrigation or drainage system, where the accumulation of feces is creating an eyesore or where the accumulation of feces has the potential to create a health hazard to the surrounding environment.
- B. It shall be unlawful for any person to spread, scatter, distribute or deposit in any manner any animal feces on any property not owned or occupied by them without the express permission of the owner or occupant of the property.
- C. Any person convicted of a violation of this section may be fined in accordance with section 3-16

3-2 Animals causing noise disturbance --- Prohibited

It shall be unlawful for any person to own, keep or harbor within the limits of the Town, any animal that disturbs the quiet of any neighborhood, or allows excessive, continuous or untimely irritation in the surrounding neighborhood. Any person convicted of a violation of this section may be fined in accordance with section 3-16.

3-3 Nuisance animal.

- A. It shall be unlawful for the owner of any animal to encourage, permit, or allow or fail to prevent their animal from.
 - (1) Chasing, stalking, threatening, or otherwise molesting people or other animals.
 - (2) Damaging or destroying in any manner any public or private property not owned by the owner of said animal.
 - (3) Chasing passing vehicles, bicycles or horses on any public right-of-way.
- B. Any person convicted of this section may be fined in accordance with section 3-16. In addition, the animal in question will be adjudicated as a "nuisance animal" and must be restrained as follows,

- (1) When the animal is physically off the property of the owner, the animal will be restrained and attended to by a person of sufficient size and ability to control the animal.
- (2) When the animal is on the property of the owner, it must be restrained in such a manner as to prevent the animal from escaping or in an enclosure suitable to prevent the animal from escaping.

3-4 Nuisance animals at large

- A. It shall be unlawful for any animal having been adjudicated as a “nuisance animal” to run at large and may be fined in accordance with section 3-16.
- B. The owner of any dog is liable for all damages that are accrued to any person, firm or corporation by reason of the dog killing, wounding, worrying or chasing any livestock or domestic animals belonging to the person, firm or corporation. If two or more dogs owned by different persons kill, wound, chase or worry any livestock or domestic animals, the persons owning the dogs are jointly liable for damages accrued for all damages done by the dogs.
- C. Any dog/dogs found killing, wounding, worrying or chasing livestock or domestic animals may be exterminated immediately by the owner of the livestock or domestic animals or by the Town appointed code compliance officer or a certified police officer. The person exterminating any dog killing, worrying or chasing any livestock or domestic animal shall not be held liable to the owner of said dog.
- D. When livestock or domestic animals are trespassing upon property, the property owner may use dogs to drive off the animals from his or her property.

3-5 Property Maintenance

As per the Town of Bear River’s Planning and Zoning Ordinance 2025-01, Section 10.20.03, it shall be the property owners, tenants, managers, renters or occupant of any property within the corporate limits of the Town of Bear River to ensure that any animal waste is maintained and removed if necessary as to prevent any health hazard or safety issues or create any nuisance issues to the surrounding neighbors or the Town of Bear River. Nuisances to include but not limited to airborne animal waste, or offensive odors, or having an effect to any water source, such as water wells, irrigation ditches or stormwater drainage.

As per ordinance number 2025-01 the Town’s Planning and Zoning Ordinance and ordinance number 2025-04 the Town’s Business License Ordinance, any landowner stabling or boarding livestock for any kind of compensation shall apply for a conditional use permit and if approved get a business license from the Town of Bear River.

3-6 Vicious or dangerous animals

- A. A vicious or dangerous animal is defined as any animal that constitutes a physical threat to human beings or other animals, or has a disposition or propensity to attack or bite any person or other animal without provocation, or which is wild by nature and of a species which, due to size,

vicious nature or other characteristics, constitutes a danger to human life, physical well-being or property, or any animal which has been known to bite or attack a human being or other domestic animals, without provocation, one or more times. No dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing or attempting a crime or was the result of the actions of a certified police dog acting within the scope of its duties as a police dog.

- B. It shall be unlawful to keep or harbor any dangerous animal within the corporate limits of the Town of Bear River.
- C. If the code compliance officer for the Town of Bear River has probable cause to believe that a vicious or dangerous animal is in violation of this section, they may.
 - 1. Order the violation immediately corrected and cite the owner to appear in court for the violation.
 - 2. If the violation cannot be immediately corrected and the animal is posing an imminent threat to human beings or other domestic animals, the animal may be seized and impounded, in which case the owner or keeper will be cited to appear in court. At the owner's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owners choosing. If the court finds that the animal is not dangerous as defined, the animal will be released to the owner. If the court rules that the animal is dangerous as defined, the animal will be released to the owner after payment of any fees and penalties are paid, and the animal will not be allowed within the Town of Bear River. If the owner or keeper of a designated dangerous animal fails to reclaim it from animal control after impoundment, the animal will be humanely euthanized.
- D. Any person, firm or cooperation violating any provisions of this section shall be fined at the discretion of the Municipal Judge as set by section 3-16 of this ordinance.

3-7 Biting Animals --- Unlawful act

It shall be unlawful for any animal to bite any human being so as to break the skin. The owner of such an animal shall be cited to appear in court to answer the charge of violating this section.

3-8 Biting Animals --- Procedure

- A. Any animal which bites a person in such a way as to break the skin, shall be immediately impounded, at the owners expense, into a facility chosen by the Town of Bear River or in a kennel operated by a licensed veterinarian and held in quarantine for at least ten days after the bite to determine whether the animal has any disease which may communicated to humans. Any animal that is deemed vicious due to current or past behavior by the court will not be allowed within the corporate limits of the Town of Bear River.
- B. Within ten days of the date of the bite, an examination of the animal shall be conducted by a licensed veterinarian to determine if the animal has rabies or any other diseases that may be communicated to humans. Upon certification by the veterinarian that the animal is healthy, the animal shall be released to the owner or custodian upon payment of all fees. To include, all tests

taken, impoundment and quarantine. If the animal is determined to be infected with rabies, it shall be euthanized in accordance with this ordinance.

- C. Any animal that the Code Compliance Officer or Law Enforcement Officer has probable cause to believe has bitten a person in such a way as to break the skin and cannot be captured, may be destroyed in a humane manner.

3-9 Cruelty to animals

- A. No person shall overdrive, overload, drive when overloaded, overwork or willfully and maliciously torture, torment, deprive sustenance, unnecessarily or cruelly beat, willfully, maliciously and needlessly mutilate or kill or otherwise mistreat in a cruel or inhumane manner any animal, or cause or procure such mistreatment to be done, or have the care and custody of any animal, and fail to provide it with the proper food, drink or shelter or cruelly been abandoned.
- B. If the Town's appointed Code Compliance Officer has probable cause to believe that an animal is being deprived of proper food, drink or proper shelter, and verified by a licensed veterinarian chosen by the Town is given, the owner shall be cited to appear in court, and the animal or animals may be impounded at a shelter chosen by the Town. The cost of such impoundment and veterinarian costs shall be paid by the owner if known. The animal or animals may be released to the owner upon payment of all fees and showing that the animals will be given proper care from this time forward.
- C. Any person convicted of a violation shall be fined in accordance with section 3-16 of this ordinance.

3-10 Trapping of Animals ---Regulations

- A. The trapping of animals that are "at large", "nuisance animals" or are stray or otherwise unwanted animals is allowed in the Town provided that the following restrictions are complied with,
 - 1. No steel jaw traps or snares are permitted unless consent from the Town is obtained.
 - 2. All traps used shall be humane box type as approved by the Town.
 - 3. The trapping of animals is allowed only on the property or property controlled by the person doing such trapping, or by expressed permission of the property owner.
 - 4. No poisons shall be used in any form.
 - 5. No bait shall be used that is rotten or may otherwise be unhealthy to animals.

3-11 Taking of predatory animals

Predatory animals may be taken by the Code Compliance Officer or by the property owner provided all the Wyoming Game and Fish regulations are followed.

3-12 Removal and disposal of dead animals

- A. It shall be the duty of the Town to remove from streets, public rights-of-way and public property all dead animals. The Town shall notify the owner of such animal if known. If the removal of the animal requires special equipment or excessive hours to do so, the owner, if known, shall be required to cover all expenses incurred by the Town.
- B. It shall be the duty of every private property owner to remove from their property all dead animals and dispose of their remains in a lawful manner. It is unlawful to bury any dead animal within the Town limits of Bear River.

3-13 Commercial Livestock

- A. No commercial livestock operations are permitted in the Town of Bear River unless a conditional use permit has been applied for and approved and a business license has been obtained from the Town.
- B. This section does not apply to the raising of animals for sale by youth for youth involved in programs such as 4-H, County Fair, etc. but the number of animals is limited as defined in section **3-5** of this ordinance.

3-14 Fees

Any fees will be charged in accordance with section **3-12-part A**.

3-15 Code Compliance Officer --- Appointment and Duties

- A. There is hereby designated a Code Compliance Officers position within the Town of Bear River, Wyoming. After due diligence and investigation, the Code Compliance Officer shall have the authority to issue citations to individuals for the limited purposes of enforcing the Towns' ordinances ONLY. This position should not be considered a peace officer or law enforcement officer for the Town of Bear River.
- B. The Compliance Officer(s) designated hereunder shall be appointed by the mayor with the consent of the Town Council at the first meeting in every calendar year.

3-16 Penalties

Unless otherwise provided in this Ordinance, any person convicted of violating any section of this Ordinance or failing to meet any duty imposed herein may be subject to a fine of up to \$750.00. For a subsequent violation of this section the court may the animal to be euthanized or removed from the Town of Bear River.

PASSED AND APPROVED ON FIRST READING THIS ____ DAY OF _____ 2025

Clyde Kofoed, Mayor

Attest; _____

Barbara Couture, Clerk/Treasure

PASSED AND APPROVED ON SECOND READING THIS ____ DAY OF _____ 2025

Clyde Kofoed, Mayor

Attest; _____

Barbara Couture, Clerk/Treasurer

PASSED AND APPROVED ON THIRD READING THIS ____ DAY OF _____ 2025

Clyde Kofoed, Mayor

Attest; _____

Barbara Couture, Clerk/Treasurer

