Article 3-5

HUMANE CONTROL AND REGULATION OF ANIMALS

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3-520 Purpose; Authority.

Pursuant to the authority granted to it by the State of Wyoming, the City of Rock Springs does hereby enact this Article in order to effect the humane control and regulation of animals within its jurisdiction, and the maintenance of the health, safety, and welfare of its citizens.

3-521 Definitions.

The following words and phrases, when used in this Article, shall have the meanings ascribed to them in this section unless the context clearly indicates a different meaning:

Abandon: To leave an animal to its own devices without support or provision for shelter, food and medical care.

Altered: An animal which has been spayed or neutered.

Animal: Any living member of the taxonomic class Mammalia, domestic or wild not a member of the genus Homo, any member of the taxonomic class reptilia, and any member of the taxonomic class Aves (birds).

Animal Control Center: Any premises designated by the City Council of the City of Rock Springs, Wyoming, for the purpose of impounding and caring for animals held under authority of this Article.

Animal Control Officer: A special officer whose duties include, but are not limited to enforcement of the provisions of this Article.

At-Large: Off the premises owned or occupied by the owner, unless on a leash or inside a closed vehicle being driven or parked on the streets of the City. If an animal is not on the premises of its owner, and not on a leash, and not inside a vehicle with its windows closed enough to prevent the escape of the animal, the burden of proof shall be on the owner to prove control over his animal; that is, to prove that the animal is not, in fact, "at-large".

Breeder: Any person who causes the breeding of any male or female dog or cat with the intent to sell or give away all or any part of the litter.

Certificate: Written evidence issued and signed by a licensed veterinarian.

City: The City of Rock Springs.

Community Cat: A domestic cat that is abandoned, stray, lost, or feral.

Community Cat Caregiver: A person who, in accordance with Section 3-546 of this ordinance, provides care, including food, shelter, or medical care to a Community Cat. A Community Cat Caregiver shall not be considered as either the Owner or Legal Owner of a Community Cat.

Confined: Within an enclosure designed to prevent intrusion or escape by any animal.

Domestic Animal: An animal raised in captivity and trained to live with and be of use to human beings.

Ear Tipping: The removal of the one-quarter (¼) inch tip of a Community Cat's left ear, performed while the cat is under anesthesia, to identify the Community Cat as being sterilized and lawfully vaccinated for rabies.

Euthanized: Termination of an animal's life by means recommended by a licensed veterinarian.

Impounded: Confined in the Rock Springs Animal Control Center or under the control or supervision of an Animal Control Officer.

Kennel: A residence or other property where animals are bred, trained, or boarded for commercial or sporting or other purposes and not kept strictly as family pets of the occupants of the residence or property.

Legal Owner: Any person having personal property rights or similar rights of control to an animal.

Municipality: The City of Rock Springs.

Owner: Includes the legal owner or any person having the care, custody or control of any animal.

Person: An individual, partnership, company, corporation or other entity.

Premises: Real and personal property of the owner of the animal.

Stray: An animal, other than a wild animal, without an owner or that has been abandoned by its owner.

Surrender: Forfeiture by the owner of ownership and transfer of possession to the City.

Trap-Neuter-Return (TNR): The process of humanely tapping, sterilizing, vaccinating for rabies, ear tipping, and returning a Community Cat to the original trapping location.

Vicious Animal: Any animal which has attacked, bitten, menaced, or otherwise presents a threat to persons or other animals in any public or private place without just provocation. The defense shall bear the burden of proving just provocation. (Ord. No. 2270, 12-2-74; Ord. No. 85-7, 6-85; Ord. No. 2002-05, 6-18-02).

Wild Animal: Any member of an animal species normally considered as wildlife or game animals and not as a member of a domesticated breed.

3-522 Wild Animals.

It is unlawful to own, harbor, exhibit, keep or permit to be kept any wild animal except small rodents such as hamsters, guinea pigs, or gerbils, nonvenomous snakes and birds which are otherwise permitted under provisions of State or Federal law. Zoological gardens, theatrical exhibits, licensed falconers, circuses, legally incorporated educational institutions, private governmental research laboratories, veterinarians, licensed animal rehabilitators, and similarly trained and licensed professional handlers are exempt from this section. (Ord. No. 2270, 12-2-74; Ord. No. 85-7, 6-85).

3-523 Dead Animals.

(a) It shall be the duty of the Animal Control Officer to remove from streets, alleys and any public property all dead animals. He shall notify the owner, if known.

(b) It shall be the duty of every private property owner to remove from his private property all dead animals and dispose of their remains in a lawful manner.

(c) When requested by a private property owner, the Animal Control Officer may remove dead animals at the expense of said owner, but, shall be under no obligation to do so. Expenses must be paid in advance. (Ord. No. 85-7, 6-85; Ord. No. 85-19, 9-17-

85).

3-524 Animals in Heat.

Every female domesticated animal in heat shall be confined in a building or secure enclosure in such a manner that the female domesticated animal cannot have contact with another animal of the same species except for planned breeding. Failure to do so shall be unlawful.

3-525 Animal-at-Large.

(a) It shall be unlawful for an animal owner to allow any animal to be at large upon property neither owned nor occupied by the owner. The Animal Control Officer, or Police Officer, shall impound any animal found at large and may issue to the owner (if known and available) a violation notice for each such animal. (Ord. No. 2270, 12-2-74; Ord. No. 85-7, 6-85; Ord. No. 2002-06, 6-18-02; Ord. No. 2006-04, 3/7/06).

3-526 Problem Dogs.

(a) It shall be unlawful for the owner or legal owner of any dog to encourage, permit, allow, or fail to prevent their dog from:

(1) attacking or chasing other animals;

(2) defecating upon property not owned or occupied by such owner or legal owner of said dog unless such feces is promptly picked up and disposed of in a suitable waste receptacle by said owner or legal owner of said dog;

(3) barking, whining, howling repeatedly, continuously, or excessively so as to disturb the peace and quiet, sleep, or rest of any other person within hearing of the dog;

(4) damaging or destroying in any manner any public or private property not owned or occupied by such owner or legal owner of said dog;

(5) attacking, chasing, stalking, threatening, or otherwise molesting people passing near or by the dog unless the dog is provoked into doing so by such passer-by. The defendant shall bear the burden of proving provocation; or

(6) being in or upon any public park, golf course, recreational area or school property unless specifically authorized. Public park, golf course and recreation area shall include all public parking areas serving the facility and all other adjacent lands within the facility. A dog which is in the bed of a truck, or within the confines of a vehicle, shall be permitted under this subsection.

(b) The intent of this section is to make dog owners criminally liable for acts of their pet causing harm or distress to other people; and, it shall be liberally construed to support such an intention.

3-527 Certain Domestic Animals Prohibited.

(a) It shall be unlawful for any person to keep or maintain within the City any horses, cows, pigs, sheep, goats, other domesticated livestock, chickens, ducks, geese, or other domesticated fowl except where the property upon which the animal is to be kept or maintained is properly zoned for such use, the use is one for which a person has received a permit which has been issued by the City pursuant to the provisions in Subsection (b) or such activity is otherwise lawfully permitted. The Defendant in any action shall bear the burden of proving the exception.

(b) The keeping or maintaining of Vietnamese Potbellied Pigs (V.P.B.P.), Micro Pig, and Texas Tiny Pig within the City of Rock Springs shall be permitted on the following conditions:

(1) The pig has been neutered or spayed by a licensed veterinarian;

(2) The pig has submitted to a pseudo-rabies test, in which the test results were negative, the results of which have been shown to Rock Springs Animal Control;

(3) The V.P.B.P. tusks have been removed by a licensed veterinarian, trimmed or cut and maintained in such a manner to prevent protruding on the outside of the pig's lips;

(4) The pig will be required to be housed indoors and not housed in a pen, cage or any other type of enclosure outdoors, but may be allowed outdoors while under the owner's supervision;

(5) The owners will be subject to the same animal laws applicable to all owners of animals within the City and subject to the same penalties for violations of any ordinance;

(6) That should the pig bite a person, upon recommendation of the Wyoming State Veterinarian Lab it will be humanely euthanized by a licensed veterinarian and sent to the state vet lab for rabies testing at the owners expense;

(7) That should the pig die, be sold or given away, the owner(s) shall immediately notify the Rock Springs Animal Control Office and shall return the permit to the City;

(8) One (1) V.P.B.P. per household, with permit on such pig renewed annually upon payment of $10.00;

(9) The V.P.B.P. is pure bred and that it has registration papers or lineage papers evidencing this fact. If imported from out of State the proper permit obtained from the Wyoming Livestock Board and all applicable importation requirements followed;

(10) The V.P.B.P. weighs no more than 100 pounds. (Verified annual weight from a veterinarian's scales or certified public scales.) A 30 day grace period be allowed to comply to weight requirements;

(11) That a permit for a V.P.B.P. can be revoked by the City of Rock Springs for noncompliance of any conditions in Subsection (b).

(Revised Ordinance 2015-03, 5-5-15)

(c) It shall be unlawful for any person to keep, maintain, or allow to be kept or maintained on any property within the City owned or occupied by him or her more than four (4) rabbits over the age of ninety (90) days except where otherwise lawfully permitted. The defendant shall bear the burden of proving the exception. It is the intent of this section to limit the number of rabbits on any particular piece of property or any particular premises; and, it shall accordingly not be construed to merely limit individual ownership to four rabbits. (Ord. No. 95-07, 5-16-95).

3-528 Vicious Animals.

It shall be unlawful for any person to keep a vicious animal, cross animal, or any animal that manifests a disposition to injure persons, or present a risk to people or other pets, without having the animal physically confined in a secure enclosure or leashed and muzzled at all times. Upon conviction of a violation of this section, the City Attorney may petition the Municipal Court for an order to have the animal destroyed. Should the Municipal Court determine that the animal is to be destroyed, the Municipal Court, may issue a warrant or order to cause the seizure and destruction of the animal.

3-529 Disposal Order.

(a) In the interest of the health, safety, and general welfare of the residents of Rock Springs, the Municipal Judge may order that an animal which has been found diseased, adjudged vicious, or is a habitual violator of any of the provisions of this Article, be disposed of.

(b) The order of the Municipal Judge shall be written, and shall be served upon the owner of the animal. If the owner does not obtain a stay of the order from a court of competent jurisdiction within ten (10) days of the date of service, the order shall be carried out by the Animal Control Officer, and, in so doing, the Animal Control Officer may go upon any property, public or private, within the City of Rock Springs.

(c) In the event that the owner of the animal which is the subject of the disposal order is ready and willing to surrender said animal to the Animal Control Officer for disposal, the owner shall be allowed a period of twenty-four (24) hours (said period commencing from the point at which the disposal order is signed by the Judge) to do so. If, however, upon affidavits filed, or other satisfactory proof to him made, the Judge of the Municipal Court determines that said owner is not willing to voluntarily surrender said animal, or if a willing owner fails to surrender an animal within twenty-four (24) hours, the Municipal Judge may, without further notice to the owner, direct the Animal Control Officer to forthwith

apprehend said animal and carry out the disposal order. In all cases, the determination of the willingness or unwillingness of the owner to surrender the animal shall be left solely to the discretion of the Municipal Judge, whose primary concern shall be the prevention of any attempt by the owner to subvert the purpose of this section.

(d) Any animal disposed of in accordance with this section, or any other section of this Article, shall be humanely terminated.

3-530 Animal Feces.

(a) It is the responsibility of owners and property occupants to keep their property free of animal feces so as not to present a potential danger to the public health nor to create a situation where offensive odors are emanating from the property. The failure to meet this responsibility shall be unlawful.

(b) It shall be unlawful for any person to spread, scatter, distribute or deposit in any manner any animal feces on property not owned or occupied by them without the express permission of the owner or occupant of the property.

3-531 Disease Control.

(a) Any person owning or harboring a dog or cat over the age of six (6) months shall have such dog or cat vaccinated against rabies and distemper by a licensed veterinarian.

(b) A person who has been bitten by any animal or the parent or guardian of such person shall promptly report the incident to the Animal Control Officer or the Police Department. It is the duty of the Animal Control Officer, when such report is made, to use all reasonable efforts to promptly apprehend and impound the animal for quarantine. If the animal is in the custody of its owner, the owner shall, forthwith surrender said animal. If the animal is at large when apprehended the Animal Control Officer shall use reasonable diligence to identify the owner and notify him of the animal's impoundment. The Animal Control Officer shall notify the appropriate health officials.

(c) The animal shall be impounded and quarantined at the owner's expense for a period of ten (10) days at the Municipal Animal Shelter. At the owner's request and expense the animal may be quarantined under the supervision of and on the secure premises of a licensed veterinarian. The Animal Control Officer rather than impounding the animal may allow for home quarantine on the premises of the owner provided that the owner: (1) proves the animal recently had rabies and distemper shots; (2) has properly licensed the animal (or does so within forty-eight [48] hours); (3) has, in the opinion of the Animal Control Officer, suitable quarantine facilities; and (4) submits to daily inspections by the Animal Control Officer of the animal and the quarantine premises during the quarantine period. Failure to abide by any of the quarantine rules will result in the impoundment of the animal. A violation of this subsection is a misdemeanor. (Ord. No. 2006-05, 3/7/06).

(d) If, after the end of the ten-day period the animal is declared free of disease by a licensed veterinarian, the animal may be returned to the owner. If impounded in the Animal Control Center, it will be returned to the owner by the Animal Control Officer only upon payment of all accrued impound and boarding charges. If the owner has not been found or refuses or fails to pay the appropriate fees, the animal shall be disposed of or placed up for adoption after the ten (10) days. In any case, the appropriate health officials shall be notified of the animal's condition at the end of the ten (10) day quarantine.

(e) Any animal suspected of having been exposed to rabies or some other contagious disease, may by order of the Municipal Judge upon petition of the Animal Control Officer, be impounded and quarantined as herein provided.

(f) No person shall kill any animal suspected of being rabid, until after the animal has been quarantined as herein provided; and, a diagnosis of rabies has been made by a licensed veterinarian. If a

veterinarian diagnoses rabies in an animal quarantined, then the animal shall be humanely destroyed and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis. If the suspected animal is so vicious and/or wild that it cannot be captured and the Police Officer or Animal Control Officer reasonably believes that capture is unlikely, the animal may be killed by a Police Officer with gunshot. When dead, the animal's head is to be severed from its body, and the head sent to the state laboratory for examination.

(g) If the owner of any animal impounded for quarantine is unknown, the City of Rock Springs shall bear the expense of the quarantine. Any animal for which the City of Rock Springs assumes financial responsibility for quarantine expenses shall become the property of the City of Rock Springs and be adopted out or disposed of as set forth in Section 3-539.

(h) When an animal under quarantine has been diagnosed, by a licensed veterinarian as being diseased, the Animal Control Officer shall report the findings and recommendations to the Mayor, who may issue a proclamation, which shall be published at least once in an official newspaper in the City of Rock Springs, requiring the owner of every animal to confine or securely muzzle it for such time of quarantine as specified in the proclamation; during which time it shall be unlawful for any animal to be allowed outside the premises of its owner. It shall be the duty of the Animal Control Officer to capture and impound, as such proclamation may direct, every animal found at large contrary to such proclamation after expiration of 12 hours from the first publication thereof.

(i) The above sections shall apply to dogs, cats or other animal species in which the known incubation period for rabies is ten (10) days, as determined by the Department of Health for the State of Wyoming. If the animal species has a known incubation period for rabies as determined by the Department of Health, which differs from the ten (10) days, then the different incubation period shall be used as the quarantine period instead of ten (10) days.

(j) If any animal, including wild animals as defined by Rock Springs Municipal Ordinance 3-522, bites a person and there is no known incubation period for rabies for the species of animal as determined by the Department of Health, the following provisions shall apply:

(1) The person, who was bitten by the animal, or the parent or guardian of such person, shall comply with subsection (b).

(2) The Animal Control Officer shall use all reasonable efforts to apprehend the animal.

(3) If the animal can be apprehended, it shall be destroyed by the Animal Control Officer or an officer of the Rock Springs Police Department

(4) The head of the animal shall be sent to a laboratory for pathological examination for rabies.

(5) The Animal Control Officer shall advise the person who was bitten, or his or her parent or guardian, of the laboratory results, and take any additional action to preserve the public health, including advising the Mayor of any public health risks, who may proclaim a quarantine under subsection (h).

(k) No person shall fail to disclose the known location of any animal which is required to be apprehended under this ordinance, or interfere or impede with the activities of a police officer or the Animal Control Officer in the performance of his duties under this ordinance. A violation of this subsection is a misdemeanor. (Ord. No. 82-21, 6-21-82; Ord. No. 85-7, 6-85). (96-13, Amended, 09/17/1996)

3-532 Cruelty To Animals.

(a) It is unlawful for any person to abandon, overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, carry in a cruel and inhumane manner, tease, torment, torture or otherwise abuse, molest or annoy any animal or to cause any of these

acts or omissions to be done.

(b) It shall be unlawful to cause or permit or encourage any dogfight, cockfight, bullfight, or any other combat between animals.

(c) Every person owning an animal shall provide it with necessary protection from extreme weather, medical attention, treatment to prevent suffering, food, water and care. The failure to do so shall be unlawful.

(d) The driver of any motor vehicle involved in an accident resulting in injury to an animal shall immediately stop and render such assistance as may be possible and shall take reasonable steps to notify the owner of said animal or give notice of such accident to the Police Department or the City Animal Control Department. Failure to do so shall be unlawful.

(e) It shall be unlawful for any person to dye or in any other manner change the color of, or sell, exchange, offer to sell or exchange, display or give away any chicks, ducklings, or any other fowl or rabbits under eight weeks of age. This section shall not apply to the sale or display of such animals by a breeder engaged in commercial breeding enterprise.

(f) Any person convicted of a violation of Section 3-532 may be punished by a fine not to exceed Seven Hundred and Fifty ($750.00) Dollars and/or imprisoned for a period of not more than thirty (30) days. A conviction under Section 3-532 (a) or (b) shall carry a minimum sentence of ten (10) days imprisonment.

3-533 Killing, Maiming or Poisoning Animals.

(a) It shall be unlawful for any person to kill, attempt to kill, maim or disfigure any animal except as affirmatively provided in this Article, or administer poison, or cause to be ingested any hazardous foreign object by any animal, or expose any poisonous substance with the intent that it shall be taken by any animal other than pests of public health concern such as rats or mice. This section does not limit the actions of a Police Officer or Animal Control Officer when the officer determines the existence of a public safety danger.

(b) Any person convicted under Section 3-533 shall be punished by a fine not to exceed Seven Hundred and Fifty ($750.00) Dollars and sentenced for a period of not less than ten (10) nor more than thirty (30) days imprisonment.

3-534 Furnishing Food To Impounded Animals.

(a) Every person who impounds, or causes to be impounded, any animal in any pound, corral, or other enclosure, or who confines an animal to any specific area by any means whatsoever, shall supply to the animal during confinement a sufficient quantity of wholesome food and pure water. The failure to do so shall be unlawful; and, punished by a fine not to exceed Seven Hundred and Fifty ($750.00) Dollars. (Ord. 2021-12, 10/5/21)

(b) When any animal impounded, or otherwise confined or restrained, is without food and/or water for more than twenty-four (24) successive hours, it shall be lawful for any persons to enter into the area in which the animal is confined and supply the animal with food and water as often as necessary so long as the animal remains confined. Any person entering property to supply food and/or water to an animal restrained or confined is not liable in any action for the entry, and the reasonable cost of the food and water may be collected by him from the owner of the animal.

(c) If the Animal Control Officer comes upon an animal impounded as described in subsection (b), he shall post a notice to comply with Section 3-534 upon the premises where the animal is located. If the notice has not been complied with within twenty-four (24) hours of its posting, the animal shall be impounded as set out in Section 3-539. (Ord. No. 2270, 12-2-74; Ord. No. 85-7, 6-85).

3-535 Breaking Into The Pound.

It is unlawful to break into the Animal Control Center, or turn loose or otherwise release any animal impounded therein, or to

hinder, obstruct, or prevent the Animal Control Officer from impounding any animal or otherwise carrying out the duties of his office.

3-536 Legal Owner Responsible For Violations.

The legal owner of an animal may be deemed to be the author of any violation of or failure to comply with any of the terms or provisions of this Article whether or not said legal owner was in actual custody or control of the animal at the time of the violation.

3-537 Kennel License.

(a) Any person maintaining a kennel or any person owning, renting, leasing or otherwise occupying premises where five (5) or more dogs and/or cats, or other animals combined, over twelve (12) weeks of age are kept must be licensed as a kennel and shall purchase a kennel license in lieu of individual licenses. All city zoning laws must be complied with; and, proof of current rabies vaccination must be presented for each dog or cat over six (6) months of age. The annual fee for a kennel license shall be according to the following schedule:

$ 100.00 -- Up to and including five animals.

$ 200.00 -- Up to and including ten animals.

$500.00 -- Over ten animals.

No kennel fee shall be required of any veterinary hospital, Humane Society or Municipal Animal Control Facility. Persons owning less than 5 animals may at their option obtain a kennel license in lieu of individual licenses. Service animals used to perform tasks directly related to a person's disability shall not count towards the total number of dogs and/or cats or other animals for the purposes of a kennel license. (Ord. No. 1993-28, 1-18-94; Ord. No. 2006-06, 3/7/06; Ord. No. 2022-15, 1/3/23).

(1) It shall be a condition of issuance of a kennel license that the appropriate City Officials are permitted to inspect all animals and the premises where animals are kept. Such inspections shall be upon twenty-four (24) hour written notice delivered to the owner or posted on the premises. If permission for an inspection is refused, the license shall be revoked and all animals impounded.

(2) All kennels, as defined in this Article, shall, in addition to the other requirements of this Article, comply with the minimum standards of this section. Failure to meet these standards shall be grounds to deny or revoke the kennel license; and, such failure shall be unlawful.

(i) Secure enclosures must be provided which shall allow adequate protection against weather extremes. All kennel buildings must be adequately heated and ventilated. Cage or run floors, unless radiantly heated, shall have a resting board or suitable bedding.

(ii) All animal quarters and runs are to be kept clean, dry and in sanitary condition. All food and water shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the conditions and size of the animal. All animals shall have fresh water available at all times.

(iii) Each animal shall have a sufficient and reasonable amount of space onto itself to stand up, lie down and turn around without touching the sides or tops of enclosures. Runs shall provide an adequate exercise area and protection from the weather. (Ord. No. 2270, 12-2-74; Ord. No. 85-7, 6-85).

3-538 Licensing of Dogs and Cats.

(a) It shall be unlawful to own or keep any dog or cat over six (6) months of age within the City which has not been licensed. The owner of a dog or cat shall, immediately after such animal has attained the age of six (6) months, license the animal with the City of Rock Springs. Said license shall be effective for one year. Each owner must relicense said dog or cat on or before the expiration of one year from the issuance date, and shall pay a fee according to the following fee schedule:

(1) $20.00 (Twenty Dollars) for each

dog.

(2) $ 10.00 (Ten Dollars) for each cat.

(3) $ 7.00 (Seven Dollars) for each altered dog or cat provided that the owner produces at the time of licensing evidence of the animal's altered state acceptable to the City Clerk. (Ord. No. 93-25, 1-4-94).

(4) $2.00 (Two Dollars) for each altered dog or cat who's owner is over age sixty (60). (Ord. 2015-03, 5-5-15)

(b) No license is required of:

(1) Dogs whose owners are non-residents if such animals are not kept in the City more than thirty (30) days, provided such animals are kept under proper restraint and other applicable provisions of this Article are met.

(2) Seeing eye dogs properly trained to assist blind persons when such dogs are actually being used as guide dogs. Such dogs may be licensed at no charge if the owner desires to do so.

(3) Governmentally owned police or guard dogs. Such dogs may be licensed at no charge if the owner desires to do so.

(c) The City Clerk shall keep a permanent record of all licenses issued. Said record shall show the name and address of the person issued a license, the number of the license and tag, the type, sex, breed and color of the animal, the date issued, and the fee paid.

(d) Vaccination for rabies and distemper is a condition precedent to issuance of a license. A current certificate of vaccination shall accompany an application for licensing of any dog or cat. Without such proof no license shall be issued. Each owner of a dog or cat shall at all times maintain a current vaccination for rabies and distemper for each dog or cat over six (6) months of age. (Ord. No. 93-26, 1-4-94).

(e) Upon payment of the required license fee, the City shall deliver to the owner of the animal a substantial tag, stamped with a number corresponding to the number of the entry made by the City in a book kept for the recording of information relative to the licensing of animals. The tag may be either collar type or ear type. Tags shall be worn by all dogs when not confined upon the owner's property, provided that owners of show dogs or AKC registered dogs may have them tattooed with an identifying number, which number must be endorsed upon the license certificate and records of the City Clerk. Animals tattooed need not wear tags.

(1) Licensed Veterinarians doing business within the City of Rock Springs may apply for permission to license dogs and/or cats on behalf of the City pursuant to the provisions set forth above. Such Veterinarians shall keep records related to license sales and shall deliver records and fees collected to the City as required by the Department of Finance and Administration. The City shall thereafter remit to such Veterinarians one dollar ($1.00) from each license sold for administrative expense. (Ord. No. 2006-27, 11-7-06).

(f) In the event a license tag is lost, the owner may obtain a duplicate tag upon payment to the City of three dollars ($3.00). If there is a change in ownership of the dog during the license year, the new owner may have the current license transferred to his name upon payment of one dollar ($1.00). A licensing tag shall be used only for the animal licensed. No person other than the owner shall remove a collar or license tag from a licensed animal. (Ord. No. 2270, 12-2-74; Ord. No. 80-17, 6-30-80; Ord. No. 85-7, 6-85).

3-539 Impoundment and Adoption.

(a) It is the duty of Animal Control Officers and Police Officers to take and impound dogs at large, whether licensed or unlicensed, and to impound other dogs or animals as and where required by this Article.

(b) Any animal impounded under authority of this Article shall be held for a period of five (5) days; and, if not reclaimed by the owner during that period it shall become the property of the City and shall be at the discretion of the Animal Control Officer either placed up for adoption or humanely destroyed. To reclaim an animal, all accrued impound and boarding fees on all animals shall be paid by the owner.

In the event that a set of extraordinary circumstances arises which, in the discretion of the Animal Control Officer, would make strict enforcement of subsection 3-539(b) unjust, the Animal Control Officer may disregard the mandates of this Section, and, within reason, deal with the situation as he sees fit.

(c) If, in the discretion of a licensed veterinarian, any animal is, by reason of disease or physical condition, too dangerous to the health of any other animal or to itself to keep impounded, such animal may be euthanized. If a licensed veterinarian cannot be contacted by reasonable means, the Animal Control Officer may euthanize an animal which is, by reason of disease or physical condition, obviously too dangerous to the health of any other animal or to itself to keep impounded. The Animal Control Officer shall take steps to acquire an immediate pathological examination of such animal euthanized for health reasons.

This subsection shall apply also to any animal which is maimed and/or suffering from any injury causing the animal needless pain or suffering.

(d) The Animal Control Officer will assign each impounded animal a number which is to be recorded, along with available information about the animal, date and place of impoundment, date of release or other disposition, name of the owner if known, whether reclaimed, destroyed, or adopted, if reclaimed or adopted, by whom, and if destroyed, then when and how.

(e) Any animal impounded for any reason under authority of this Article shall be released to the owner thereof only upon payment to the City of the following fees and charges:

(1) An impoundment fee of forty dollars ($40.00) per dog if licensed, sixty dollars ($60.00) if unlicensed, and thirty dollars ($30.00) per cat or other animal if licensed, forty dollars ($40.00) if unlicensed; (Ordinance 2015-03, 5-5-15)

(2) A boarding fee of five dollars ($5.00) animal for each night the animal is impounded; (Ordinance 2015-03, 5-5-15)

(3) A boarding fee equal to that charged by the actual place of boarding shall be charged when an animal impounded is not boarded at the City's animal control facilities. (Ord. No. 85-7, 6-85; Ord. No. 86-2, 2-18-86).

(f) No steel-jaw type traps or any other type of trap other than live traps approved by the Animal Control Officer shall be used for the capture of animals by any person or organization whatsoever. However, such traps may be used as a last resort by the City to catch wild animals within the City provided that all other reasonable means to subdue or to take possession of the animal is first attempted. Reasonable means include, but are not limited to, nets, tranquilizer guns, and sonic equilibrium disrupters. (Ord. No. 2270, 12-2-74; Ord. No. 82-21, 6-1-82; Ord. No. 82-54, 1-18-83; Ord. No. 85-7, 6-85; Ord. No. 2002-07, 7-18-02; Ord. No. 2006-07, 3/7/06).

3-540 Adoption of Animals.

(a) Animals placed up for adoption may be adopted out to any person deemed by the Animal Control Officers to be a responsible and suitable owner, one who will agree to comply with the provisions of this Article and all amendments. No animal shall be adopted out until the appropriate fee is paid, except that a nonprofit animal rescue organization may adopt animals without paying a fee. (Ord. No. 92-11, 4-21-92; Ord. No. 92-16, 5-19-92; Ord. 2015-03, 5-5-15).

(b) Any animal made available for adoption under authority of this Article shall be adopted out to the first responsible person tendering payment of the appropriate fee in accordance with the following schedule:

$80.00 for any dog

$40.00 for any cat less than 12 months of age

$ 20.00 for any cat over 12 months of age.

(Ordinance 2015-03, 5-5-15)

(c) All animals over 12 weeks of age will be vaccinated and altered prior to adoption and will be given the first city license free at time of adoption. (Ord. No. 2270, 12-2-74; Ord. No. 85-7, 6-85; Ord. No. 86-15, 10-7-86; Ord. 2015-03, 5-5-15).

(d) Animal Control shall maintain appropriate records and take necessary enforcement action of a failure to license an adopted dog or cat upon its attaining the age of six (6) months. (Ordinance 2015-03, 5-5-15)

3-541 Animal Control Officers.

The Animal Control Officer:

(1) shall be charged with the duty of enforcing this Article and shall provide all impounded animals with suitable care, feed, water and veterinary attention while so confined.

(2) shall not entice any animal off of its owner's premises. When in direct pursuit of any animal found in violation of this chapter, the Animal Control Officer may go upon any property, exclusive of buildings, public or private.

(3) shall be authorized to issue citations to the owner of any animal found to be in violation of this chapter, in lieu of impoundment of the animal. If the owner is not identifiable or locatable, the animal shall be impounded; (see Section 3-539[c]).

(4) shall place any impounded female animal while in heat in a segregated enclosure or otherwise insure that the animal is not bred.

(5) shall use all reasonable and economically feasible efforts considering the individual circumstances to apprehend and impound any stray animals. Any domestic animal roaming at-large without a collar, license tag, or other such evidence of ownership shall be considered a stray and subject to impoundment.
(Ord. No. 00-24, 1/16/01).

3-542 Penalties.

(a) Unless otherwise provided any person convicted of violating any provision of this Article or of failing to meet any duty imposed herein may be fined up to Seven Hundred and Fifty ($750.00) Dollars and/or be sentenced to serve up to six (6) months in jail. Each day's violation is a separate offense. If a person is convicted of violating Sections 3-532, 3-533 or 3-534 his animal license may be revoked and his animals confiscated. No new animal licenses may ever be issued to such a person unless such privilege is restored to said person by ordinance of the governing body of the City of Rock Springs.

(b) Any person who fails to appear in Municipal Court after having been issued a citation pursuant to Section 3-541(3) shall have a warrant immediately issued for his arrest. (Ord. No. 2270, 12-2-74; Ord. No. 85-7, 6-85).

3-543 Severability Clause.

If any section, paragraph, clause, provision, phrase, or word of this Article shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, provision, phrase, or word shall not affect any of the remaining provisions of this Article; and, such section, paragraph, clause, provision, phrase, or word shall be stricken herefrom without affecting the validity or enforceability of the remainder. (Ord. No. 2270, 12-2-74; Ord. No. 8-57, 6-85).

3-544 Prohibited Sale of Commercially Bred Dogs, Cats, and Rabbits in Pet Stores, Retail Businesses and Other Commercial Establishments

(a) It shall be unlawful for any person to sell any live dog, cat, or rabbit in any pet store, retail business, or other commercial establishment located in the City of Rock Springs, unless the animal was obtained from an animal shelter or a nonprofit rescue and humane organization.

(b) This Section shall not affect a consumer’s ability to obtain a dog or cat of his or her choice directly from a breed-specific or other rescue organization, or directly from a breeder of breed-specific pedigreed dogs or cats where the consumer can see the conditions in which the dogs or cats are bred or can confer with the breeder concerning those conditions.

(c) For purposes of this Section, the following terms shall have the following meanings:

"Animal shelter" means a public animal shelter operated by any city or any county or other public agency, or an entity operating under contract with any city of county, such as a humane society, whose mission and practice is, in whole or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

"Rescue and Humane organization" means a non-profit corporation that is exempt from taxation under Internal Revenue Code Section 501(c)(3) and which participates in early age spay/neuter of animals; complies with State and local laws regarding the humane treatment of animals; and whose mission and practice is, in whole or insignificant part, the rescue and placement of animals in permanent homes.

"Person" means an individual, firm, association, partnership, corporation, joint venture, or combination of individuals.

"Sale" or "sell" means to sell, auction, barter, or otherwise transfer for money or other compensation. (Ord. No. 2018-05, 4-17-18)

3-545 Intentional Feeding of Deer, Elk, and Antelope Prohibited.

(a) It is unlawful for any person to intentionally provide supplemental feed for any deer, elk, antelope, or other wild herd animal species within the corporate limits of the City of Rock Springs.

(b) The term "supplemental feed" includes, but is not limited to: human food including garbage, domestic pet food, pellet forage feed and hay, salt or mineral supplements, grain and other food sources, but does not include planted or naturally growing materials. (Ord. 2021-13; 10/19/2021)

3-546 Trap-Neuter-Return (TNR)

(a) The practice of trapping, neutering, and returning a Community Cat to the location it was trapped shall be permitted within the corporate limits of the City.

(b) Any Community Cat trapped and neutered under the terms of this ordinance shall have its ear tipped and shall be returned to the location where it was trapped, unless veterinary care is required. Likewise, a Community Cat that has had its ear tipped shall be released on site, unless it requires veterinary care. The costs of all veterinary care, including the cost of spaying and neutering shall be borne by the Community Cat Caregiver.

(c) Community Cat Caregivers are authorized and empowered to reclaim an impounded Community Cat without any proof of ownership. (Ord. No. 2022-10; 8/16/22)