

TITLE 6

HARBORING, CONTROL, LICENSING AND IMPOUNDING OF ANIMALS

Section

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Title 6 was amended by Ordinance 1156, effective 9-13-09.

6-1-1. Definitions. - The following definitions shall apply to this Title:

- (a) Section 6-1-1(a). **“At Large”:**
 - (i) An animal shall be considered at large when it is off the property of its owner and not controlled by a leash, rope or reins, under electronic control or in the person’s immediate control or confined within a vehicle on a street or other enclosure;
 - (ii) An animal shall be considered at large when on the property of the owner and not controlled by leash, rope, reins, fence or under electronic control or in a person’s immediate control;
 - (iii) An animal, for purposes of section 6-1-1 to and including 6-4-4, is defined as dogs of various breeds.

(b) **"Own"** and **"owner"** shall apply to any person who shall own, keep, or harbor an animal, or who shall permit an animal to be fed or remain habitually in or about the premises under the control of the owner.

(c) **“Aggressive Manner”** shall mean any animal who charges a person to within potential biting or striking distance while snapping or snarling or growling or displaying teeth. *(Section 6-1-1 (c) amended by Ordinance 1125, effective December 3, 2006)*

6-2-1. Dog License Required. -

(a) No person shall own or keep a dog in the City of Lander without a license issued by the City.

(b) Dog licenses shall be issued by the Police Department for a period of two years from the date the license is issued upon payment of \$5.00 and upon proof of a current and valid certificate subscribed by a licensed veterinarian that the dog has been vaccinated against rabies, and that such vaccination shall remain effective through the term of the license.

(c) A six month license shall be issued for dogs under the ages of six months for a fee of \$2.50 without proof of vaccination.

(d) Lost or damaged licenses will be replaced by the Police Department at no charge.

(e) Education and Awareness

(i) An information packet will be provided when a dog license is purchased. This packet will include information about local dog ordinances, penalties and how to be a responsible pet owner in this community.

(ii) Information will be presented locally via outlets such as, Coffee Time, Lander Talk, Lander Journal, and the Pet Connection. These outlets will serve as a venue for increasing awareness of local ordinances, concerns and how the public can be responsible dog owners within the City of Lander.

6-2-2. License Tag. - Each licensed dog shall wear a collar tagged with the license number issued to that dog. No person other than the dog's owner shall deprive any licensed dog of any such collar, tag, or license number.

6-3-1. Cruelty to Animals. -

(a) No person shall cruelly beat, injure, torture, neglect to properly feed and care for, fail to provide adequate medical care for, or otherwise abuse any animal.

(b) Any animal found to have been treated in a cruel manner in violation of subsection A above may be seized and impounded by a sworn police officer, whereupon they shall use all reasonable efforts to notify the owner of the animal.

(c) Upon presentation of sufficient evidence by the owner to the peace officer that provisions for proper care of the animal have been arranged for, the animal may be redeemed by the owner upon payment to the City of all impoundment costs and

costs of medical care for the animal and payment of any applicable fine for violation of this section.

(d) If the animal is not redeemed within five (5) days of notice to the owner and if a request for a hearing is not filed by the owner within that time, the animal shall be handled as provided for in Section 6-4-3(b) of the City Code.

(e) If an owner files a request for a hearing within five (5) days of impoundment, together with a fee sufficient to cover the costs of impoundment for fifteen (15) days, a hearing shall be held by the City Council to determine if continued impoundment is necessary. Said hearing shall be held within ten days of the filing of the request. If continued impoundment is deemed necessary the animal shall be handled as stated in subsection (c) and (d) hereof. If continued improvement is not deemed necessary the animal shall be returned to the owner. The fee paid with the request shall be applied to the costs of impoundment. (*Section 6-3-1 amended by Ordinance 912 effective 11-15-93*)

6-3-2. Leaving Animals Unattended. -

(a) No person shall leave any animal without water for longer than 12 hours or without food for longer than 24 hours.

(b) No person shall willfully abandon any domestic animal with the City of Lander.

6-3-3. Noisy Animals. -

(a) No person shall own or keep any animal which by continual or repeated barking, screeching, yowling, howling, or yelping disturbs the peace of others.

(b) Any noisy animal may be impounded at the discretion of the Animal Control Officer or Police Officer to prevent further peace disturbance.

(c) Any person charged under this section, having been previously convicted for this same offense, shall be required to make a mandatory court appearance.

6-3-4. Animals at Large. -

(a) Animals at large within the City of Lander are hereby declared to be a public nuisance and deleterious to the health and safety of the people of Lander.

(b) Any person who owns, possesses or harbors any animal which is at large, within the City of Lander is guilty of a misdemeanor.

6-4-1. Notice of Impounding Animals. - Any animal found running at large may be apprehended and impounded by a sworn peace officer, if in his opinion such animal constitutes a safety, health or traffic hazard, whereupon the officer shall exert reasonable efforts to ascertain and notify the owner of the animal.

6-4-2. Redemption and Disposition of Animals. -

(a) The owner of any animal impounded may reclaim the animal upon payment to the City of the following costs:

- (i) apprehending and impounding the animal, a daily fee as set by resolution of the City, a copy of which shall be available at City Hall. (*Section 6-4-2 amended by Ordinance 962, effective 4-15-96*)

No animal may be reclaimed unless any applicable fine under 6-3-4 is paid and a required license is secured. No animal may be reclaimed until evidence of a current vaccination against rabies, is supplied by the owner or custodian of such animal. The preceding requirement shall not apply to animals for which no recognized vaccination is available.

(b) Any animal impounded under this Chapter and not reclaimed by the owner within five days or, if the owner has been ascertained, within three days after notice has been provided, shall be given to any person who will pay the fees set forth in Section 6-4-2(a) (i) and (ii) above or such lesser amount as the animal control officer may determine. If not given away, the animal may be destroyed in a humane manner.

6-4-3. Control of Biting or Aggressive Animals. -

(a) Any animal, which bites or maliciously scratches or charges a person in an aggressive manner may be reported to the designated Animal Control Officer and may be apprehended if the victim is bitten and:

- (i) if the owner or custodian of such animal can show evidence of a current valid rabies vaccination, the animal shall be returned to the owner or custodian, after payment of any expenses incurred.
- (ii) if the owner or custodian cannot produce evidence of a current and valid rabies vaccination, the animal shall be impounded and quarantined, at the expense of the owner or custodian, at the city pound or other veterinarian selected by the owner or custodian, for a period of at least fifteen (15) days and not more than twenty (20) days after the attack to determine whether the animal has any disease which may be communicated to humans. Provided, however, that prior to release of the animal to the owner or custodian, the animal shall receive all required vaccinations at the expense of the owner.

- (iii) if the owner or custodian cannot produce evidence of a current and valid rabies vaccination and the owner or custodian does not desire to proceed pursuant to Section (a)(ii) hereof, the animal shall be destroyed and its remains analyzed at the direction of the Animal Control Officer. The owner or custodian shall be responsible for and pay all expenses incurred pursuant to this subsection.

(b) The place of quarantine and observation for all such biting animals shall be the designated City animal impound or, at the owner's option, a veterinary hospital of owner's or custodian's choice. In either case, the owner shall pay all expenses of boarding the animal during the quarantine. In the case of the animals whose owner or custodian is unknown, such quarantine shall be at the shelter designated as the City's animal impound at the expense of the City.

(c) The owner or custodian of any animal, which bites or maliciously scratches or charges a person in an aggressive manner, is guilty of a misdemeanor. This subsection shall not apply if the animal is on the owner's premises and either the premises are clearly posted with warnings concerning the animal or the entry onto the premises was unlawful or entry was made in or onto a vehicle by a person without the consent of the owner or occupant of the vehicle in which an animal was present. Any second or subsequent offense under this section or any first offense that reasonably appears to be without provocation or results in serious injury to the victim shall require a mandatory court appearance by the defendant. If the court finds the violation of this subsection it may consider the severity of the attack, prior attacks by the same animal, any provocation of the animal and other circumstances related to the attack in determining if the animal is vicious. If the court determines that the animal is vicious, it may also order that the animal be disposed of in a humane manner.

- (i) Restitution for any damages to person or property caused by the animal shall be made by the owner of the animal upon the discretion of the municipal judge. (*Section 6-4-3 amended by Ordinance 1125, effective December 3, 2006*)

6-4-4 Penalties for Animals At Large -

- i. first offense a minimum of \$50;
- ii. second offense a minimum of \$100;
- iii. third offense a minimum of \$300 and a mandatory court appearance.

6-4-5 Keeping Large Animals. –

- (a) No person shall collect, keep or feed any cattle, horses, sheep, goats, swine or other similar large animals within the City of Lander without a permit.

- (b) This section shall not apply in areas of the city zoned agricultural; to livestock brought into the city for purposes of being shipped out of the city; to animals brought into the city to receive veterinary care, or to goats that are being used for weed and pest control purposes with a proper permit.
- (c) The keeping and feeding of animals otherwise prohibited by this section may be allowed for rodeos, fairs, circuses, carnivals, parades and other public exhibitions or entertainment events; provided, that the proper licenses and permits for the event have been obtained from the city prior to the event. Persons desiring to use goats for weed and pest control purposes per subsection (b) of this section must also obtain proper licenses and permits prior to use of said goats for weed and pest control.
- (d) The city animal control officer may issue an order prohibiting the keeping of any animals described above which poses a health hazard to the general public pursuant to the city ordinances, or state and federal laws pertaining to public health.
- (e) Applications for permits shall be filed with the City Clerk, together with an application fee of \$20.00. The City of Lander Animal Control Officer will investigate the application and report to the City Council. The application for pasturing of large animals must contain a letter from a veterinarian as to the capabilities of the pasture in sustaining the number of livestock to be pastured and a copy of the lease and/or letter of permission to keep livestock in the pasture. The City Council may accept or refuse the application upon its discretion. Licenses and permits may be revoked by the City Council without a hearing upon three day's notice to the permit holder.
- (f) Each day that a violation of this section continues shall constitute a separate offense. (*Section 6-4-4 amended by Ordinance 1115, effective July 16, 2006*)