

ORDINANCE NUMBER 608

AN ORDINANCE OF THE TOWN OF BASIN, WYOMING, ESTABLISHING NEW AND REVISED REGULATIONS PERTAINING TO THE TREATMENT AND IMPOUNDING OF NUISANCE DOGS AND CATS BY SUPPLEMENTING, AMENDING AND REPEALING PORTIONS OF CHAPTER 2 OF TITLE 4 OF THE BASIN TOWN CODE.

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

SECTION 1: Section 4-2-1 of the Basin Town Code shall be supplemented by adding the following definition:

CAT: Every feline cat, male or female.

SECTION 2: Section 4-2-2 of the Basin Town Code shall be and is hereby supplemented and amended to read as follows, to-wit (new language in **Bold**):

4-2-2: DOG AND CAT NUISANCE AND LICENSING REGULATIONS:

- A. **Dog Nuisance Declared:** The presence of unlicensed dogs within the town is hereby declared to be a nuisance and the owners or harborers of any such dogs are hereby declared to be maintainers of such nuisance.
(Ord. 518, 2-7-2000)
- B. **At-large Cat Nuisance Declared:** The presence of unlicensed, at-large cats within the town is declared to be a nuisance and the owners or harborers of any such cat(s) are hereby declared to be maintainers of such nuisance.
- C. **License Fees:**
 - 1. **Annual License Fee:** There shall be levied an annual license fee on all dogs within the town of fifteen dollars (\$15.00) for a neutered male and a spayed female dog and twenty five dollars (\$25.00) for unneutered and unspayed dogs. **There shall be a voluntary annual license fee on all cats within the town of five dollars (\$5.00) for a neutered male and a spayed female cat and ten dollars (\$10.00) for an unneutered and unspayed cat.**

2. Term: Such fee shall be due March 1 of each year and shall cover the period of one **(1) year commencing on March 1 and ending on the last day of February of the next year.**

3. Delinquent: Such fee shall be considered delinquent on March 2 of each year thereafter.

4. Notice, Demand Or Request; Late Fee: Other than herein provided, notice, demand or request to any dog owner or harborer shall not be necessary, and anyone relicensing or renewing a license after the expiration of the license period fixed herein shall be assessed an additional ten dollars (\$10.00) for delinquent payment.

5. Proceeds: Proceeds of such fee shall be paid into the office of the town clerk-treasurer where it shall be kept in the general fund.

D. Duty To Collect; Publication Of Notice; Unlicensed Dogs **and Cats:**

1. Collection: It shall be the duty of the town clerk-treasurer to make collection of said license fees.

2. Payment Date: Said license fees shall be due and payable immediately at the time fixed herein.

3. Publication Of Notice: It shall be the duty of the town clerk-treasurer, immediately before said fees become due, to publish in the newspaper in Basin, Wyoming, once a week for a total of two (2) times (once in January and once in February of each year) a notice setting forth the fact that said license fees are due by March 1 of each year; also in said notice it shall state that said fees must be paid within a period of ten (10) days after the due date, and if not so paid, the dog/**cat** not tagged shall be exterminated.

4. Extermination; Alternative: No extermination, however, shall take place without due process. Instead of extermination, the owner or harborer shall be allowed to permanently remove the dog/**cat** from within the town limits.

E. Issuance Of Tag: Each and every owner or harborer of a dog **or cat**, upon the payment of said license fee, shall receive a license tag, and it shall be the duty of such owner or harborer to provide a collar for such dog on which shall be affixed said license tag. **Cats will be required to have tag affixed to collar or provide documented microchip ID number that is provided to the Town Clerk.**

F. Evidence Of Spaying Or Neutering: Each and every owner or harborer of a spayed female dog/**cat** or neutered male dog/**cat**, upon the payment of said license fee, shall produce, for examination by the town clerk-treasurer, a certificate or other acceptable evidence that said female or male dog/**cat** has been spayed or neutered as the case may be.

G. Rabies Inoculation:

1. Required: Each and every owner or harborer of a dog/**cat** shall have such dog/**cat** inoculated for rabies every two (2) years to ensure that such dog/**cat** is inoculated against contracting rabies, and the evidence of such inoculation shall be affixed to such dog's collar **or proof readily provided upon demand for cats.**

2. Unlawful: It is unlawful for any person to own or keep a dog/**cat** within the town, without first having the dog/**cat** inoculated or vaccinated for rabies by a licensed veterinarian and must have current proof of such rabies vaccination.

3. When Required: All dogs/**cats** shall be registered when they are three (3) months old, and shall be inoculated and licensed at that time; or in the case of new dogs/**cats**, within thirty (30) days after being brought into the town.

H. Duplicate Tags; Fee: In the event a license tag is lost or destroyed, a duplicate shall be issued by the town clerk-treasurer upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of five dollars (\$5.00) for each duplicate shall be required.

- I. Transfer Of Tags; Refunds: License tags shall not be transferable from one dog **or cat** to another and no refunds shall be made on licenses because of the death of the dog **or cat**, or if the owner or harbinger leaves town before the expiration of the license period.

SECTION 3: Section 4-2-3 of the Basin Town Code shall be and is hereby supplemented and amended to read as follows, to-wit (new language in **Bold**):

4-2-3: VICIOUS AND UNVACCINATED DOGS/**CATS**:

- A. Criteria: Any dog/**cat** in the town, which shall have bitten any person in the town without good cause, shall be taken to be a vicious dog/**cat**.
- B. Declared Public Nuisance: A vicious dog/**cat** is hereby declared to be a public nuisance.
- C. Duty To Impound: It shall be the duty of the chief of police or authorized officer, upon any notification by any person having actual knowledge of the biting of any person by any dog/**cat** within the town, to impound said dog/**cat** in question **at the owner's expense** and notify the owner/harbinger of such action.
1. Absence Of Acceptable Proof Of Inoculation: The dog/**cat** shall be impounded for at least ten (10) days in the absence of acceptable proof that the dog/**cat** is inoculated against rabies. The owner shall be responsible for all costs of impoundment and all reasonable veterinary fees.
2. Removal From Town: The dog/**cat** thereafter shall be released to the owner/harbinger, who shall immediately remove the dog/**cat** from the town, if the owner/harbinger cannot or will not show proof of current rabies vaccination.

3. Owner Unknown; Failure Or Refusal To Remove: If the owner of such dog/cat is not known or if the owner is known and fails or refuses to remove such dog/cat, then such dog/cat shall immediately be destroyed by the chief of police or authorized officer or such other person designated by the governing body. **In the case of an owner/harbinger who refuses to remove such dog/cat, the cost of extermination will be done at owner/harbinger's expense.**

SECTION 4: The heading of Section 4-2-5 of the Basin Town Code shall be and is hereby amended to read as follows, to-wit:

4-2-5: KENNELS:

SECTION 5: Section 4-2-16 of the Basin Town Code shall be and is hereby repealed and replaced with the following Section 4-2-16, to-wit:

4-2-16: IMPOUNDING OF DOGS AND CATS:

- A. All dogs and cats found running at large in the town of Basin shall be captured and impounded. Dogs and cats so impounded shall be kept for a period of not less than 48 hours, exclusive of the day of capture, and if not claimed by the owner or harbinger thereof, shall be exterminated or destroyed.
- B. In the event that the dog or cat is not claimed by the owner or harbinger thereof, the town may elect to deliver said animal to any person who agrees to adopt said animal and to spay or neuter the animal. Any person so adopting shall provide proof of spaying or neutering to the town clerk and shall be entitled to an adoption fee in an amount to be determined by the council, said fee not to exceed the amount the town is charged for euthanizing said animal.

SECTION 6: Section 4-2-17 (Penalty) shall be renumbered as Section 4-2-19 and the Basin Town Code shall be supplemented by adding the following new Section 4-2-17 and Section 4-2-18, to-wit:

4-2-17: DUTY OF POLICE OFFICERS: It shall be the duty of every police officer to capture and impound any dog or cat found running at large contrary to the provisions of this chapter and title, and the officer is authorized and required to cause to be captured and impounded all dogs and cats found running at large, or being kept or possessed contrary to this chapter and title. The poundmaster, if there is one, or some other designated official, upon receiving such cat or dog, shall make a complete registry, entering the breed, color and sex of such animal, and shall record whether or not the animal is licensed. If licensed, he or she shall enter the name and address of the owner thereof, and the number of the license tag, and shall notify the owner of the animal that the animal has been impounded.

4-2-18: APPREHENDING AND POUND FEES: There is provided an impound fee of \$50.00 for animals that are properly licensed and \$75.00 for unlicensed animals, and a pound fee of \$5.00 per day including day of apprehension for each day or fraction of a day that any dog or cat is impounded. Before any such dog or cat is released from the pound, the town shall collect the fee and any applicable license fees from the person or persons claiming such dog or cat. All such fees shall be promptly remitted to the town clerk-treasurer by the person collecting such fees.

SECTION 7: The Basin Town Code shall be amended by changing the "PENALTY" section from 4-2-17 to 4-2-19.

SECTION 8: If any portion of this ordinance is held or found to be invalid, the remainder of the ordinance shall continue to be in full force and effect.

SECTION 7: All ordinances or parts of ordinances of the Town of Basin in conflict herewith are hereby repealed.

SECTION 8: This ordinance shall take effect and be in full force and effect on **November 17, 2011**, after having been published in the Basin Republican Rustler.

PASSED ON FIRST READING **October 4, 2011.**

PASSED ON SECOND READING **October 11, 2011.**

PASSED, APPROVED AND ADOPTED ON THIRD AND FINAL READING **November 8, 2011.**

TOWN OF BASIN, WYOMING
A Municipal Corporation

By: _____
AMY KANIA - Mayor

ATTEST:

DANIELLE CHAPMAN - Town Clerk