



## CHAPTER 4

## ANIMALS

## INTRODUCTION

In general this Chapter generally deals with the enforcement of regulating dogs, cats, livestock, wild or exotic animals within the corporate limits of the City of Cody and preventing, abating and removing nuisances or annoyances and offensive conditions created by the keeping or maintaining of such animals as authorized by WSS 15-1-103. For purposes of this chapter the word animal shall include “every dumb living creature” as defined by WSS.

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4-1. Definitions: As used in this chapter:

Animal: Every living dumb creature including dogs, cats, livestock, wild or exotic animals.

Animal park or exercise area: Any area of city property specifically designated by the Governing Body as property upon which dogs and cats may run freely while under the command and supervision of their owners or a member of the owner’s immediate family or other authorized person.

Bit or bitten: Means that the skin has been penetrated by an animal's teeth, or saliva from the animal has come in contact with an open wound or mucous membrane.

Dangerous animal: An animal or animals that constitute a physical threat to human beings or other animals. Proof of the fact that an animal has bitten or attacked a person or other animal at any place where that person or animal is legally entitled to be, is evidence that an animal is dangerous.

Leash: A length of webbing, cord, chain or similar restraint, which is securely attached to the animal's collar or harness.

Livestock: Animals kept or raised for use and/or profit.

Owner: Any person or persons, firm, association or corporation having the care of an animal or caged bird or permitting such to habitually be or remain on, or be lodged or fed within his or her house, yard or premises.

Permit: A permit for wild animals, bees or exotic pets.

Vaccinate: The inoculation of an animal with anti-rabies vaccine which shall be administered by any licensed veterinarian, the cost of such vaccination to be paid by the owner of the animal.

Vicious Animal: Any animal that has killed or inflicted serious injury to a person or domesticated animal, including multiple bites, serious disfigurement, serious impairment of health, or serious impairment of a bodily function; or which has continued to exhibit dangerous behavior that resulted in a previous finding of dangerous animal by a court; provided the owner has been given notice of that finding. This also means any animal that, in the absence of intentional provocation, is involved with a sustained attack upon a person, not allowing the victim any means of escape, regardless of the injury or defensive action required.

Wild Animal: Any animal that is not commonly domesticated, cultivated or tamed when occurring, growing or living in its natural state.

#### 4-2. Authorized Impoundment/Tranquilizing/Destruction

If any animal is found to be in violation of this chapter, a Police Officer or any other officer or employee of the city, as designated by the Chief of Police or City Administrator, may capture and cause the same to be confined in a secure pen, sheltering facility or other place provided for that purpose. No animal so captured and confined shall be released until the owner or person entitled to the possession thereof has paid to the City of Cody a fee for taking up and receiving each such animal

together with a fee per day for each and every day such animal was kept so impounded by the city. If any animal is presenting an immediate danger, it is made the duty of the Police Officer or any other employee of the city to dispose of or tranquilize the animal.

In the enforcement of any provisions of this chapter, any Police Officer of the city, or the Community Service Officer, is authorized to enter upon the private property of any person and take possession of an animal when in fresh pursuit of such animal at the time the animal goes upon private property. Such Police Officer or Community Service Officer is authorized to enter upon the private property of any owner of any animal under such circumstances in order to ascertain and secure compliance with the terms of this chapter.

#### 4-3. Financial bonding requirements for costs of holding impounded animals.

Any owner or custodian of an animal that has been impounded because of alleged neglect or abuse, or because of investigation of charges of cruelty to animals or animal fighting, may prevent transfer of ownership of the animal by a sheltering facility by posting a bond with the court in an amount sufficient to provide for the animal's care and keeping for at least 30 days, including the day on which the animal was taken into custody. Such bond will be filed with the court within 10 days after the animal is impounded. At the end of 30 days, if the owner or custodian desires to prevent a disposition decision about of the animal by the sheltering facility, the owner or custodian shall post a new bond with the court within 10 days after the prior bond's expiration. However, the court may order the immediate disposition of the animal by euthanasia if, in the opinion of a veterinarian, the animal is experiencing extreme pain or suffering. At the end of the time for which expenses are covered by the bond, the sheltering facility may determine disposition of the animal unless there is a court order prohibiting such disposition. The owner or custodian shall be liable for the cost of the care, keeping, and/or disposal of the animal.

#### 4-4. Notice to owner, redemption.

Not later than two days after the impounding of any dog or cat, the owner shall be notified or, if the owner of the animal is unknown, written notice shall be posted for six (6) days at the Park County Law Enforcement Center describing the animal and the place and time of taking. The owner of any animal so impounded may reclaim the animal upon payment of all fees and costs incurred by the city and sheltering facility for impounding and processing the animal.

#### 4-5. Disposition of unclaimed or infected dogs and cats.

(a) It shall be the duty of the Police Officer or Community Service Officer to keep all unclaimed dogs and cats so impounded for a period of six (6) days. If at the expiration of the six days the animal has not been redeemed, it shall become the property of the city subject to any contract existing between the city and any sheltering facility. As property of the city, an animal may be maintained at the sheltering facility

as long as space is available, adopted by new owners, or, if necessary, humanely euthanized by proper authorities, at the discretion of the evaluation committee, Chief of Police or the Community Service Officer.

(b) Any animal not carrying identification by which the owner of the animal could be ascertained, which animal appears to be suffering from rabies, or other infectious or dangerous disease, or suffering from grievous injury, shall not be impounded but will be taken immediately to a qualified veterinarian at the expense of the owner if that person can be later identified. If it is determined by the veterinarian that such animal is suffering from rabies or other infectious and dangerous disease, or suffering from grievous injury, then the animal may be humanely euthanized without further notice. The owner of any animal so disposed, if known, will be responsible for the costs of disposal.

(c) At the discretion of the Chief of Police or Community Service Officer, the carcass of such animal will not be returned to its owner, but will be kept for evidence, autopsy or otherwise disposed of.

(d) Care and or disposal of an animal by any method specified in this section does not relieve the owner thereof of liability for any violations and any accrued charges.

(e) Animals other than dogs and cats, at the discretion of the Chief of Police or Community Service Officer, an animal that is not otherwise placed for adoption or returned to the owner may be sold upon giving at least eight (8) days previous notice to whom it may concern, of the time and place of the sale, by two consecutive publications thereof in a newspaper of general circulation, published in the city, which notice shall describe the animals by brand or otherwise, with reasonable accuracy; provided, however, that any such animal may be redeemed by the owner, at any time before the sale by payment of the fees and charges.

Sec. 4-6. Animals at large.

Any animal off the premises of the owner, and not under the control of and on leash held by the owner or a member of the owner's immediate family or other authorized person, or temporarily tethered by leash in an area open to the public so as not to cause an obstruction in any fashion, will be considered in violation of this ordinance except as follows:

(a) Obedience trained animals participating in obedience training, field trials, shows or other similar competitions.

(b) Authorized animals that are under the control of voice commands, and are obedient to those commands that do not come into physical contact with other persons or animals and are being trained for search and rescue, law enforcement, or assistance animals with permission from the Chief of Police.

(c) Venomous animals or other animals that may cause injury to others must be kept in a secure container when being transported in or through a public place.

Any such found “at large” animal in the city may be impounded by the Community Service Officer or an authorized person of the city. Owners of any animal anywhere within the city limits shall be liable for all damage done to private or public property by such animal whether by accident or otherwise.

4-7. Breaking open, etc., Sheltering Facility.

No person shall, directly or indirectly, break open or assist in breaking open, any pen or enclosure, with the intention of releasing any animal confined therein pursuant to the provisions of this article.

4-8. Animal waste.

The owner or custodian of every animal shall immediately retrieve and remove all feces deposited by his or her animal while off the owner’s property. This section shall not apply to parades permitted by the City of Cody or animal-drawn carriages or vehicles licensed or permitted by the City of Cody to operate within the city boundaries unless specifically directed by the Governing Body.

Sec. 4-9. Wild animals prohibited - exceptions.

Except as otherwise provided, it is unlawful for any person to own or possess any wild animal or exotic animal within the corporate city limits of Cody, Wyoming, except that this section shall not apply to the keeping of small cage-birds, aquatic, amphibian or nonpoisonous reptilian animals, or such small rodents as hamsters, guinea pigs or gerbils solely as pets. It also shall not apply to any zoological garden, theatrical exhibit or circus, nor to any legally incorporated college, university or school, nor to any private or government research laboratories.

The city may authorize the possession of specific wild or exotic animals to be kept within the corporate limits, subject to the following provisions:

(a) A wild animal request form, provided by the Cody Police Department, must be completed and submitted to the Chief of Police or his/her designee. A separate form shall be submitted for each species.

(b) At the time a wild animal request form is submitted, the applicant must attach a copy of the importation/possession permit issued by the Wyoming Game and Fish Department for the subject animal(s).

(c) Within 30 days following submission of the completed wild or exotic animal request form to the Chief of Police, he/she will issue a written determination approving or denying the request. The Chief of Police may issue an approval subject to reasonable conditions or requirements. The written determination shall be mailed to the applicant at the address listed on the request form.

(d) Appeal of the Chief of Police's determination shall be made to the Governing Body. The appellant must provide written notice of the appeal to the Governing Body and the Chief of Police within 10 days after the Chief of Police's issues the written determination. The notice must include the reason(s) for the appeal, and any information relevant for the Governing Body to consider in a review of the Chief of Police's determination. The Chief of Police shall provide a written response to the Governing Body within 10 days after receipt of the notice of appeal. The Governing Body may either set the appeal to be heard at the next regularly scheduled meeting or it may decide the appeal on the basis of the written information provided by the appellant and the Chief of Police. The Governing Body shall issue a written determination to the appellant and Chief within 60 days of receipt of the notice of appeal. The written determination of the Governing Body shall be a final decision.

#### 4-10. Dangerous / Vicious Animals.

It is unlawful for any person owning or having possession, custody, charge, or control of any dog or other animal known by such person to be dangerous, to cause or permit that animal to run loose about the persons property in a manner endangering any person lawfully entering such property, or cause or permit the animal to be unrestrained upon or about any public street, sidewalk, park, schoolyard, or property of other persons.

No vicious animal or animal sick with or liable to communicate rabies or other contagious or infectious diseases shall be allowed in the city limits, except if such animal is under confinement at a veterinarian clinic for observation and treatment by a veterinarian. If any vicious animal or sick animal as herein above set forth shall be found within the city limits and cannot be safely taken up and impounded, such animal may be humanely euthanized by any Police Officer or other authorized person.

A Police Officer or Community Service Officer may issue or deliver a citation or complaint and summons and shall require the animal to be confined until such time as evidence is heard and a verdict rendered.

If the Police Officer or Community Service Officer believes the owner or custodian can confine the animal in a manner that protects the public safety, the owner or custodian may confine the animal until such time as evidence shall be heard and a verdict rendered. During this confinement, if a valid reason is found to exist, the court, through its contempt powers, may compel the owner or custodian to produce the animal at any time. No animal shall be found to be dangerous or vicious if the threat, injury or damage was sustained by a person who was committing, at the time, a crime upon the premises occupied by the animal's owner or custodian or was provoking, tormenting, or physically abusing the animal, or who can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times. No police dog that was engaged in the performance of its duties at the time of the acts complained of shall

be found to be a dangerous or vicious dog. Any animal determined to be vicious will be euthanized.

4-11. Animal cruelty.

No person shall cause by action, omission of action or neglect the willful and malicious infliction of pain, suffering or death of an animal by permitting or allowing such to continue when there is a reasonable remedy or relief. No owner or custodian shall abandon or fail to provide an animal with sufficient, good and wholesome food and water, proper shelter, protection from the weather and veterinary care when needed to prevent suffering, and humane care and treatment. Proper shelter means natural or artificial shelter appropriate to the local climatic conditions for the species concerned, as necessary for the health of the animal.

If a shelter with a chain is used as a primary enclosure for an animal kept outdoors, the chain must be placed or attached to avoid entanglement with chains of other animals or any other object. A chain should be at least three times the length of the animal, measured from the tip of its nose to the base of its tail, and must allow the animal convenient and safe access to shelter and water.

No person shall leave an animal in an unattended vehicle without adequate ventilation or in such a manner as to subject the animal to extreme temperatures which adversely affect its health or welfare. In the event the animal's life is found to be in immediate danger, any Police Officer or Community Service Officer may take whatever measures necessary to remove the animal from the vehicle and seek veterinary care.

No person shall willfully kill, maim, inhumanely trap, poison, or disfigure any domestic or wild animal except pests of public health importance within the city limits.

4-12. Animal fighting.

No person shall cause, sponsor, arrange, hold, or encourage a fight between animals for the purpose of monetary gain or entertainment. For the purposes of this section, a person encourages a fight between animals if he/she is knowingly present at, or wagers on such a fight; owns, trains, transports, possesses, breeds, sells, transfers; or equips an animal with the intent that such animal will be engaged in such a fight; or allows any animal used for such a fight to be kept, boarded, housed, or trained on or transported in, any property owned or controlled by him or her; or uses any means of communication for the purpose of promoting such a fight; or possesses any animal used for such a fight or any device intended to enhance the animal's fighting ability.

4-13. Noisy animals.

(a) No person shall own or keep any animal which makes continual or repeated barking, screeching, yowling, howling, yelping, neighing, braying, mooing, crowing, quacking, pawing, stamping or other noises in excessive, continuous or untimely

fashion that otherwise disturbs the peace of others.

(b) Any such noisy animal may be impounded at the discretion of the Community Service Officer or a city Police Officer to prevent further peace disturbance and said Officer can go upon the property or premises where said animal is located to take possession or control of the offending animal.

4.14. Carcasses to be removed from city.

It shall be the duty of every owner of any animal which shall in any manner come to its death within the city, to immediately remove the body or carcass of the animal and dispose of it in a legal manner.

4-15. Regulations concerning female dogs and cats in heat.

The owner of any female dog or cat shall keep such animal, when in heat, under confinement, in such manner as not to attract male dogs and cats. If such female animal in heat shall be unsuccessfully confined and in fact does attract male animals to the premises where such female animal in heat is kept or confined, the female animal shall be defined and declared to be a nuisance. Whenever any such nuisance shall come under the notice of the Community Service Officer or a Police Officer of the city, it shall be the Officer's duty to immediately abate such nuisance, if practical, by securing and confining such animal or causing the owner to do so.

4-16. Abandonment of animals.

No person shall dump, abandon or in any manner release any animal within the City of Cody.

4-17. Interference.

No person shall interfere with, hinder, or molest any Police Officer, Community Service Officer, or any agent thereof, in the performance of their duty as herein provided.

4-18. Duties of a Community Service Officer.

The Community Service Officer or designee of the Chief of Police is charged with the duty of impounding all animals in violation of the provisions of this chapter and is authorized to carry out these provision as authorized by W.S. 15-1-103.

4-19. Rabies control.

(a) No person shall harbor, keep or possess a fox, coyote, wolf, raccoon or skunk within the City of Cody.

(b) Every owner or harbinger of any cat, dog or ferret within the city shall cause such animal to have a current vaccination against rabies for the time period a vaccination is valid and shall cause to be securely fastened about the neck at all times a collar or harness to which shall be securely fastened a rabies tag.

(c) No owner or harbinger of any cat, dog or ferret shall permit or allow said animal to wear or to be displayed on any such animal a tag issued for another animal which received a rabies vaccination.

#### 4-20. Rabies Emergency Measures.

(a) In the event of a rabies emergency, the City of Cody will follow the most current version of the *Compendium of Animal Rabies Prevention and Control*, as issued by the National Association of State Public Health Veterinarians, Inc. (NASPHV)\* to prevent rabies from occurring in the community and to respond if an emergency situation exists. The Governing Body, upon recommendation from the Chief of Police or designee, shall determine if an emergency exists and publicly issue criteria for the community to follow based upon the *Compendium*.

(b) In the event of a rabies emergency, any cat, dog or ferret found within the city and not displaying a current rabies vaccination tag and any ferret, fox, coyote, wolf, raccoon or skunk found within the city shall be destroyed immediately by or under the supervision of the Community Service Officer, unless the Chief of Police, a Police Officer or the Community Service Officer determines that such animal shall be held for observation and after such observation, the animal shall be destroyed unless otherwise directed by the Chief of Police.

(c) In addition to the above subsections, in the event of a rabies emergency, any animal that is without a current rabies vaccination that has bitten a person within the City of Cody shall be immediately destroyed under the supervision of the Community Service Officer and the animal's head shall be shipped to the Wyoming State Veterinary Laboratory for rabies testing. All costs and expenses for said destruction, shipping and testing shall be paid by the owner of the animal.

(d) In the event of a rabies emergency all horses and cattle within the City limits shall be vaccinated for rabies and such vaccination shall be kept current until the rabies epidemic is over.

#### 4-21. Penalty for violation of chapter.

Any owner or other person found violating any provision of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not less than ten dollars (\$10.00) nor more than seven hundred and fifty dollars, (\$750.00) to which shall be added court costs up to the maximum allowed by law provided,

\* [www.nasphv.org](http://www.nasphv.org)

however, in addition to or in lieu of the monetary fine a jail sentence not to exceed six (6) months may be imposed for the violation.