

RESOLUTION NO. 425A

**AMENDED JOHNSON COUNTY COMMISSIONERS'
ANIMAL CONTROL REGULATIONS**

WHEREAS, Wyoming counties are authorized under W.S. § 11-31-301(g) to declare and enact regulations to provide for control over dogs and other animals in a county; and,

WHEREAS, the Johnson County Commissioners have heard feedback from the public about how effective the previous rules have been, and

NOW THEREFORE, Johnson County does hereby propose, consider and enact the amended animal control regulations as follows, and these regulations do supersede and replace the previous regulations adopted in Resolution No. 425:

REGULATIONS

SECTION 1: DEFINITIONS.

A. As used in these Johnson County Animal Control provisions and Regulations, terms will have meanings as follows:

1. "Animal" means any owned, vertebrate creature other than livestock, including reptiles.
2. "Animal Control Officer" means an employee or designee of the Sheriff's Department with responsibility for enforcing these regulations or any peace officer.
3. "At Large" means any animal, other than livestock, off the property of its owner and not under the control of a competent person and thereby existing as a public nuisance.
4. "Harasses" means worries, chases, or runs after livestock or big game animals including ostriches, emus and rheas, in a manner that may lead to subsequent injury to the livestock or big game animals.
5. "Livestock" means cattle, buffalo, horses, mules, asses, sheep, swine, goats and llamas.
6. "Owned" or "owner" means any person, partnership, or corporation owning, keeping or harboring one or more animals. A person with custody or control of another person's animal is considered an owner for purposes of these regulations.
7. "Restraint" means any animal secured by a leash or lead, or under the control of an responsible person and obedient to that person's commands, or within the real property limits of its owner.

8. "Torture" means every act whereby unnecessary or unjustifiable pain or suffering of a animal is caused or permitted and specifically includes but is not limited to beatings, mutilation, burning, scalding and suffocation.
9. "Predatory Animal" means coyote, porcupine, raccoon, red fox and skunks.
10. "Veterinary clinic" means a facility, place, or business that medically treats animals and employs a Wyoming licensed veterinarian, veterinarian in training, or a veterinary aide, nurse, laboratory technician, intern, or other employee of a licensed veterinarian from administering medication or rendering auxiliary or supporting assistance under the responsible supervision of such practicing veterinarian.

"Kennel" means a facility that houses, shelters, or trains animals for a monetary value as a primary source of business and is properly licensed, if necessary.

SECTION II: GENERAL DECLARATION AND POWERS.

- A. All animals, as defined, shall be kept under restraint.
- B. Restitution for any damages to persons or property caused by an animal at large shall be paid by the animal's owner.
- C. If any animal is at large and cannot be safely taken up and impounded, such animal may be slain by any Animal Control Officer. Evidence of the fact that such animal has attacked or bitten any person at any place where such person is legally entitled to be shall be proof that the animal is vicious and cannot be taken safely.
- D. Any animal attacking, harassing, or threatening any person or persons, or clothing of said persons, in a vicious manner, may be destroyed immediately by any person to protect the safety of that person or persons. Any animal attacking, harassing or threatening livestock or big game animals may be destroyed by the owner of the livestock or any peace officer.
- E. Any animal attacking any person in a vicious manner or that bites any person may be impounded by the County Sheriff or Animal Control Officer and held in quarantine for at least ten (10) days or as long as necessary as determined by the Wyoming State Health Officer after the attack, to determine whether the animal has any disease which may be communicated to humans. Home quarantine may be allowed as determined by the Animal Control Officer or the County Sheriff if the animal's owner or custodian presents a valid rabies vaccination certificate showing the animal has been vaccinated against rabies by a licensed veterinarian. The costs of impoundment, quarantine and testing shall be paid by the owner or custodian of the animal. Proof of the fact that the animal has bitten or attacked any person at any place where a person is legally entitled to be is evidence that the animal is vicious within the meaning of this section. A copy of any Animal Control Officer report regarding the animal bite shall be submitted to the state health officer.

F. When an animal which has bitten a person is impounded, it shall be kept in a separate cage alone.

G. An Animal Control Officer may enter upon private property to capture any animal he has witnessed to be at large.

H. Any animal captured while in violation of any of these regulations shall be impounded. If an animal has a tag, Animal Control should make every effort to contact the owner. Any such animal with a tag shall be held for a maximum period of five (5) days after the owner is notified. All untagged animals shall be held for a period of three (3) days after which time animals not claimed by their owners may be placed for adoption, or may be humanely destroyed. Animals may be held longer than the five and three day minimums at the Animal Control Officer's discretion.

I. Any owner reclaiming an animal must pay an impoundment fee of thirty dollars (\$30.00), plus a fee of ten dollars (\$10.00) per day for each day the animal has been impounded. The impoundment fee is in addition to any fines or penalties imposed. The owner shall present a valid rabies certificate to the Animal Control Officer for all animals subject to rabies control provisions. If the rabies certificate cannot be made available, the owner must then pay for and arrange a vaccination prior to the release. A receipt will be presented to the owner, which will be given to the appropriate clinic in return for the rabies vaccination. In the event the animal subject to vaccination provisions has not been vaccinated for rabies within fourteen (14) days after its release, the owner shall be subject to prosecution.

J. Any person finding an animal at large upon his property may take up same and remove it to any private or public animal shelter, pound or other facility; provided however, that if the name and address of the owner is known the owner shall be notified.

K. Animal Control Officers will arrange for the destruction of an animal at the request of the owner, or if the owner abandons the animal. The Owner of the animal shall be responsible for all costs associated with the destruction and disposal of the animal. Owners must sign a release to the Sheriff or his designee. All animals turned in by their owners to be disposed of at the discretion of Animal Control need not to be held for any length of time for adoption or destruction.

L. Dogs involved with and under the general control of law enforcement officers are exempt from provisions of these regulations.

SECTION III: CRIMINAL VIOLATIONS.

A. It is a public nuisance for an animal, other than livestock, to be at large in unincorporated areas of the County. A minimum fine of one hundred dollars (\$100.00) shall be imposed against the owner of such an animal existing as a public nuisance for a first offense within one (1) year. A minimum fine of one hundred fifty dollars (\$150.00) shall be imposed for a second offense within one (1) year, and a minimum fine of two hundred dollars (\$200.00) shall be imposed for a third or subsequent offense within one (1) year.

B. The owner of any animal, other than livestock, which attacks any person in a vicious manner, shall be subject to a fine imposed under Section IV of these Regulations. The fine may be subject to provisions under W.S. §11-31-301(c)(c).

C. The owner of an animal other than livestock, which attacks or fights with other animals while the owner's animal is at large, shall be subject to a fine imposed under Section IV of these regulations. The fine may be subject to provisions of W.S. §11-31-301(c)(e).

D. The owner of a dog who allows the dog to bark, whine, or howl in an excessive, continuous or untimely fashion, after receiving written notice of the dog's action from an Animal Control Officer, shall be subject to a fine of not more than one hundred dollars (\$100.00). For a second or subsequent offense, the owner shall be subject to a fine imposed under Section IV of these regulations. Veterinary clinics and kennels are exempt from this barking provision of the Animal Control Regulations during the hours of 8:00 AM to 8:00 PM.

E. Any violation may be issued by citation. The citation shall be given to the owner or person in possession of the owner's premises if the animal is not impounded, or assessed directly to the owner at the time the animal is claimed, if impounded.

F. An owner of a dog or cat without a rabies tag shall have fourteen (14) days in which to have their animal vaccinated after receiving such notice. Failure to do so shall result in a fine to be assessed in accordance with Section IV of these regulations.

G. It shall be unlawful for any person to torture an animal, as defined. Persons prosecuted under this paragraph are subject to the fine provided under Section IV.

SECTION IV: GENERAL PENALTY PROVISION

A. Except as otherwise provided, any owner or other person violating any provision of Section III of these regulations shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than seven hundred fifty dollars (\$750.00). If any violation is continuing in nature, each day's violation may be deemed a separate violation. The Court, in making its determination of penalty, shall take into account the particular offense and the nature and severity thereof.

B. Upon conviction for a violation of any applicable provision of Section III of these regulations, the Court shall, in addition to monetary fines, impose reclaiming fees as set forth in SECTION II of these regulations. The Court may also order any future physical restraint of an animal, that the owner post warning signs or that both restraint and signage be provided.

C. In the discretion of the Court, and upon request of the prosecution, destruction of an animal may be ordered.

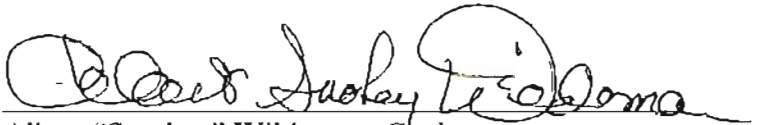
SECTION V: CRUELTY TO ANIMALS PREVENTION


Any Animal Control Officer or Sheriff's Deputy may act and exercise emergency measures to prevent the torture of an animal. When an animal is removed from its location to prevent torture, the individual removing the animal shall leave written notice of the removal in a secure and conspicuous location. The notice shall include the officer's name, business phone number, time and date of removal, and the location where the animal was delivered.

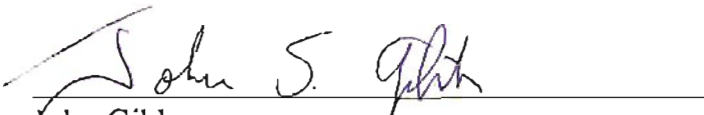
No Animal Control Officer or Sheriff's Deputy shall be held civilly liable for action under these regulations, provided the officer or deputy acted in good faith and without malice.

MADE, CONSIDERED AND ENACTED this 17 day of February, 2011.

**BOARD OF COUNTY COMMISSIONERS
JOHNSON COUNTY, WYOMING**


Albert "Smokey" Wildeman, Chairman


Delbert Eitel


John Gibbs


ATTEST
Vicki Edelman, Johnson County Clerk

