

CHAPTER FOUR

ANIMAL AND FOWL

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Article I. Animal Code.

Sec. 4-1. Definitions.

As used in this Code, the following terms mean:

- (a) "Animal" Any non-human living creature, domestic or wild.
- (b) "Animal control center" Any premises designated by the city council of the City of Gillette, Wyoming, for the purpose of impounding and caring for animals held under authority of this Code.
- (c) "Animal control officer" A special officer whose duties include, but are not limited to, enforcement of the provisions of this Code.
- (d) "Cattery" A residence or other property where more than three cats are maintained; provided that, in addition, more than three cats of the same litter may be maintained on the premises until the litter attains the age of six months. A cattery not operated as a business is a Non Commercial Cattery. A business, which offers breeding, buying, selling, boarding or training cats, regardless of the number of animals maintained, is defined as a Commercial Cattery and may only be operated in a properly zoned district. (Ord. 3769, 8-6-2012)
- (e) "Circus" Any non-resident variety show which features animal acts.
- (f) "Kennel" A residence or other property where more than three dogs are maintained; provided that, in addition, more than three dogs of the same litter may be maintained on the premises until the litter attains the age of six months. A kennel that is not operated as a business is a Non Commercial Kennel. A business, which offers breeding, buying, selling, boarding or training dogs, regardless of the number of animals maintained, is defined as a Commercial Kennel and may only be operated in a properly zoned district. (Ord. 3769, 8-6-2012)

(g) "Livestock" includes horses, cattle, llamas, sheep, burros, swine and goats. (Ord. 2081, 11-18-96; Ord. 3769, 8-6-2012)

(h) "Owner" means any person, partnership or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for twenty (20) consecutive days or more. A person with custody or control of another person's animals is considered an owner for purposes of this chapter of the Gillette City Code.(Ord. 3132, 9-18-2000)

(i) "Person" An individual, partnership, company, corporation or other entity.

(j) "Rabbitry" Any place where more than ten rabbits are kept, except any place for the slaughtering of rabbits for which a permit has been obtained, and other provisions of the Gillette City Code complied with. (Ord. 2081, 11-18-96)

(k) "Theatrical Exhibit" Any exhibition or act featuring performing animals.

(l) "Veterinary hospital" Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.

(m) "Wild animal or exotic pet" Any non-domestic animal.

(n) "Zoological garden" Any park or zoo operated by a person. (C.O. 1948, Ord. No. 773, 3-17-75).

(o) "Violation notice" A notice provided to persons whose animals have violated any provision of this Code. This notice shall be on a standard citation form and shall include the name of the owner; a description of the animal; a recital of the section violated and the facts that support the

violation; the amount of the fine and signature of the issuing Animal Control Officer. (Ord. No. 1842, 5/4/92; Ord. 2081, 11-18-96)

4-2. Enforcement and Penalties.

A. Any person, who violates any portion of Chapter 4 of the Gillette City Code, shall be guilty of a misdemeanor. (Ord. 3769, 8-6-2012)

B. Any person convicted of violating any provision of this Code may be fined up to \$750.00 unless another penalty is specified in this section or elsewhere in this chapter. Each day's violation is a separate offense.

1. If a person is convicted of violating Section 4-13, his animal license may be revoked, according to § 4-23, GCC, and his animals confiscated. No new animal licenses may be issued to such a person for a period of one year.

2. The fine for a violation of § 4-10 shall be \$ 60 for a first offense, \$ 120 for a second offense and \$ 240 for a third offense within one year of two previous convictions. A fourth or subsequent offense shall require a mandatory Court appearance, a fine of up to \$750 and/or removal of the animal and if the animal is not ordered to be removed, implantation by the Animal Control Officer of an identification microchip unless proof is submitted of a prior chip implantation and neutering or spaying within a period of time set by the Court. (C.O. 1948, Ord. No. 773, 3-17-75; Ord. No. 1842, 5/4/92; Ord. 2081, 11-18-96 ; Ord. 3132, 9-18-2000; Ord. 3769, 8-6-2012)

Article II. General Regulations.

4-3. Livestock.

Livestock and fowl may be kept and maintained within the City only in areas which are properly zoned for such use. (C.O. 1948, Ord. No. 773, 3-17-75; Ord. 3769, 8-6-2012.)

4-4. Rabbitries.

It is unlawful to maintain or establish or to cause or permit to be maintained or established, any rabbitry except in areas which are properly zoned for such use in which the rabbits are kept at least one hundred from an adjacent lot. (C.O. 1948, 147; Ord. No. 773, 2, 3-17-75; Ord. 2081, 11-18-96)

4-5. Domestic fowl.

No chicken, duck, geese, turkey, guinea fowl, or other domestic fowl shall be permitted within the City except in areas which are properly zoned for such use. Up to 12 pigeons may be kept as pets. Any fowl within the City in violation of this section is a nuisance. An owner of fowl who suffers fowl to be within the City in violation of this section is responsible for the nuisance and is guilty of a misdemeanor. (Ord. 3132, 9-18-2000)

4-6. Wild animals.

It is unlawful to own any wild animal except small cage-birds, aquatic, amphibian or non-poisonous reptilian animals or small rodents such as hamster, guinea pigs, or gerbils. Zoological animals, theatrical exhibits, circuses, legally incorporated educational institutions and private or governmental research laboratories are exempt from this Section. (C.O. 1948, Ord. No. 773, 3-17-75.)

4-7. Dead animals.

It is the duty of the Animal Control Officer to remove from streets, alleys and public property all dead animals. The Animal Control Officer shall notify the owner, if known. When requested by the property occupant, the Animal Control Officer will remove dead animals. (C.O. 1948, Ord. No. 773, 3-17-75; Ord. No. 1842, 5/4/92.)

4-8. Animals in heat.

Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that the female dog or cat cannot have contact with another animal except for planned breeding. (C.O. 1948, Ord. No. 773, 3-17-75.)

4-9. Animals at large in McManamen Park or Mount Pisgah Cemetery.

Animals must be kept on a leash at all times by their owners when the animals are within the McManamen Park or Mount Pisgah Cemetery. Animals may only be taken by their owners onto the established paths within McManamen Park or Mount Pisgah Cemetery. An animal not on a leash or not on an established path within the McManamen Park or Mount Pisgah Cemetery will be an animal at large and its owner will be subject to the provisions of §4-2 of the Gillette City Code. (C.O. 1948, Ord. No. 773, 3-17-15; Ord. No. 824, 6-7-76; Ord.1744, 1/2/90; Ord. No. 1842, 5/4/92; Ord. 3132, 9-18-2000; Ord. 3906, 12-6-2016)

4-10. Animal Nuisances.

Owners shall exercise the care and control of their animals necessary to prevent them from becoming a public nuisance. Excessive, continuous or untimely animal noise; molesting passersby; chasing motor vehicles or bicycles; attacking other animals; trespassing upon public or private property shall constitute a nuisance. (C.O. 1948, Ord. No. 773, 3-17-75 ; Ord. 3132, 9-18-2000)

4-11. Animals-Vicious.

No person shall keep a vicious dog, cross animal, or any animal that manifests a disposition to bite persons, without having the animal or dog secured and muzzled. Proof of the fact that the dog has bitten or attacked any person at any place where a person is legally entitled to be is evidence that the dog is vicious within the meaning of this section even if the dog has not previously manifested vicious behavior. Upon the conviction of a violation of this Section, if it appears to the Court that the animal is still living, the Court may, in addition to punishment of the owner, order the Animal Control Officer to forthwith cause such animal or dog to be destroyed, or relocated pursuant to the adoption procedures of § 4-24 and for that purpose the officer may enter any premises exclusive of buildings within the City. If the animal is not destroyed, implantation by the Animal Control Officer of an identification microchip unless proof is submitted of a prior chip implantation shall be ordered and neutering or spaying within a period of time set by the Court. (C.O. 1948, Ord. No. 773, 3-17-75; Ord. No. 824, 6-7-76 ; Ord. 3132, 9-18-2000; Ord. 3769, 8-6-2012)

4-12. 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 an offensive odor perceptible from outside the owner's property or potential danger to the public health. If a City, County, or State Health Officer determines that a feces control situation exists which is potentially dangerous to the public health, a violation notice may be issued. Upon conviction, the owner or property occupant shall be punished as provided in 4-2 of this Code. (C.O. 1948; Ord. No. 773, 3-17-75; Ord. No. 1842, 5/4/92; Ord. 3769, 8-6-2012.)

B. It is unlawful for any person in control of, causing or permitting any dog to be on any property, public or private, not owned or possessed by such person to fail to remove feces left by such dog to a proper receptacle. The provisions of this section shall not apply to the ownership or use of any properly identified service dog which aids persons who are totally or partially blind or deaf or have physical or sensory disabilities.(Ord. 3769, 8-6-2012.)

4-13. Cruelty to animals.

No owner shall fail to provide his animals with sufficient, good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment. No person shall beat, cruelly ill-treat, torment, overload, overwork, tease, or otherwise abuse or molest any animal or cause or permit any dogfight, cockfight, bullfight, or other combat between animals. No person shall override, drive when overloaded, torture or torment an animal or deprive an animal of necessary sustenance or carry an animal in a manner that poses undue risk of injury or death. For purposes of this ordinance, torture, torment or cruelty means every act, omission or neglect whereby the willful and malicious infliction of pain or suffering is caused, permitted or allowed to continue when there is a reasonable remedy or relief. (Ord. No. 438, 6-13-60; Ord. No. 773, 3-17-75 ; Ord. 3132, 9-18-2000)

4-14. Maiming or poisoning animals.

No person shall willfully kill, maim or disfigure any animal except as affirmatively provided in this Code, or administer poison or cause to be ingested, any foreign object to any such animal, or expose any poisonous substance with the intent that it shall be taken

by any such animal except pests of public health importance. 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. (Ord. No. 438, 61360; Ord. No. 773, 3-17-75.)

4-15. Failure to license.

It is unlawful for any person to own any animal over three months old for which a current license has not been obtained when required by this Code, provided that cagebirds, aquatic or amphibian animals and rodents need not be licensed. (Ord. No. 438, 6-13-60; Ord. No. 773, 3-17-75; Ord. No. 824, 6-7-76; Ord. 2081, 11-18-96; Ord. 3132, 9-18-2000; Ord. 3769, 8-6-2012)

4-16. 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 liable to be impounded. (Ord. No. 438, 6-13-60; Ord. No. 773, 3-17-75.)

Article III. Licenses and Permits.

4-17. Licenses-General

A For each neutered male dog or cat or spayed female dog or cat \$3.00. No dog or cat shall be licensed as spayed or neutered without certificate from a licensed veterinarian attesting to such fact.

B. For each unneutered male dog or cat or unspayed female dog or cat, over three months of age \$ 20.00.

C. For each trained commercial guard dog, \$20.00.

D. For each of any other kind of animal, \$5.00.

The term of a license shall be for one (1) year from date of issue. A new license shall be obtained each year and a new fee paid. Upon change in ownership of an animal

or facility, the new owner may have the current license transferred to his name for a \$1.00 transfer fee. (Ord. No. 1055, 1-7-80; Ord. 3769, 8-6-2012)

4-18. Licenses-Exceptions.

The provisions of Gillette City Code 4-17 do not apply to domestic animals whose owners are non-residents if such animals are not kept in the City more than thirty days, provided such animals are kept under restraint; to dog shows of less than a week duration; to seeing eye dogs properly trained to assist blind persons when such dogs are actually being used for aiding its owner from place to place. (Ord. No. 384, 5-7-51; Ord. No. 773, 3-17-75.)

4-19. Licenses-Records

The City shall keep a record of all licenses, which 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 for a period of four years. (Ord. No. 438, 6-13-60; Ord. No. 773, 3-17-75; Ord. 3132, 9-18-2000; Ord. 3769, 8-6-2012)

4-20. Licenses-Vaccination.

Vaccination of Rabies is a condition precedent to issuance of a license. A current certificate of vaccination for rabies shall accompany an application for a license. (Ord. No. 438, 6-13-60; Ord. No. 665, 3-27-72; Ord. No. 773, 3-17-75.)

4-21. Licenses-Tags.

A numbered metal tag evidencing the license will be issued with the license. The tag may be either collar type or ear type. Tags shall be worn by the animal when the animal is not confined upon the owner's property, provided that owners of show dogs or A K C registered dogs may have them tatoored with an identifying number which number must be endorsed upon the license certificate and records of the City Clerk. Animals tatoored need not wear tags. (Ord. No. 438, 6-13-60; Ord. No. 665, 3-27-72; Ord. No. 773, 3-17-75.)

4-22. Commercial and Non Commercial Kennels and Catteries Licenses.

A. Commercial Kennels and commercial catteries are allowed in the City only in areas properly zoned for this type of business. The annual fee for these facilities is:

1. For each animal boarding kennel, or pet shop, \$30.00. No fee is required of any veterinary hospital, Humane Society or Municipal Animal Control facility. (Ord. 3769, 8-6-2012)

2. For zoological gardens and animal acts covering all animals, \$ 30.00 (Ord. No. 438, 6-13-60; Ord. No. 773, 3-17-75. ; Ord. 3769, 8-6-2012)

3. For a Commercial Kennel or Commercial Cattery the license fee is \$200. (Ord. 3769, 8-6-2012)

4. For a Non Commercial Kennel or Non Commercial Cattery the license fee is \$100. (Ord. 3769, 8-6-2012)

B. A Kennel or Cattery license, whether commercial or non commercial, shall only be issued after the submission of an Application by the animal owner (the Applicant) and its approval by the City of Gillette Animal Control. The Application will be available from the Animal Shelter and shall require that the Applicant list the number, breed, sex, age and Rabies tag information for each animal within the Kennel or Cattery. The Applicant shall maintain a current list of animals within the Kennel or Cattery and send a copy to City of Gillette Animal Control within 30 days of a change. A nonrefundable investigation fee of \$50 shall be paid by the Applicant when the Application is submitted to cover the City's expenses inspecting the location described in the Application that is proposed for the Kennel or Cattery. An Animal Control Officer will inspect the property described in the Application to evaluate whether the proposed living conditions are satisfactory. If all the animals have current rabies shots, are properly licensed, and if the inspection reveals that the property is suitable and appropriately zoned, the License will be issued when the fee is paid. (Ord. 3769, 8-6-2012)

C. Since Kennel or Cattery licenses allow more than four (4) animals, it is important that the Applicant have sufficient space to care for the animals. The Animal Control Officers will use the following standards as a guide to evaluate a particular application. Applicants holding current Kennel licenses may not have to meet the following standards if the current living conditions of their animals have been satisfactory in the past and have not generated any neighborhood complaints. All animals shall at all times have

access to an area sheltered from adverse climatic conditions. In addition animals must be secured on the property of the Applicant. (Ord. 3769, 8-6-2012)

1. In the case of dogs, secure exercise areas should be provided as follows:

(a).Small Breeds (Toy Poodles, under 10 pounds.)

(i). Six feet in width by ten and one-half feet in length for four dogs

(ii). Add two feet in width for each additional dog

(b).Medium Breeds (Labradors under 100 pounds.)

(i). Fourteen feet in width by twelve feet in length for four dogs

(ii). Add four feet in width for each additional dog.

(c).Large Breeds (Great Danes, St. Bernard's, over 101 pounds.)

(i). Eighteen feet in width by twenty feet in length for four dogs,

(ii). Add six feet in width for each additional dog. (Ord. 3769, 8-6-2012)

D. Any Kennel or Cattery license may be revoked, according to 4-23, GCC if:

1. the Applicant is convicted of more than two (2) violations of this chapter involving the animals permitted under their license; or

2. the animals do not have current Pet licenses and Rabies vaccinations at the time the license is renewed. (Ord. 3769, 8-6-2012)

4-23. Inspection.

It is a condition of issuance of a Kennel or Cattery permit that Animal Control Officers are permitted to inspect all animals and the premises where animals are kept. Such inspections shall be upon reasonable notice to the owner. If permission for an inspection is refused, the permit shall be revoked by Animal Control. Prior to suspension or revocation of any license, or upon denial of an application for renewal thereof, written notice for such

action shall be given to the owner. (Ord. No. 438, 6-13-60; Ord. No. 773, 3-17-75; Ord. 3769, 8-6-2012)

Article IV. Impoundment.

4-24. Removal and Adoption of animals.

A. When requested by the owner in writing , the Animal Control Officer will accept live animals and will cause their adoption or put to death in a humane manner all animals not wanted by their owner. Owners shall pay a fee of \$10 per dog and \$5 per cat for each animal turned in, provided that the fee for additional dogs and cats from the same litter turned over to the Animal Control Facility shall be \$1 per animal.

B. The Animal Control Officers may arrange for the adoption of animals in their custody who could otherwise be destroyed because they are abandoned, unlicensed and the owners are unknown or because they have been turned over by their owners for destruction according to the preceding paragraph. (Ord. No. 438, 6-13-60; Ord. No. 773, 3-17-75 ; Ord. 3132, 9-18-2000; Ord. 3769, 8-6-2012))

C. The Animal Control Officers may inspect the premises of potential adoptive owners and review whether they have violated this animal code or similar state laws or similar laws from other municipalities or counties. The Animal Control Officers may deny an adoption if the premises is not suitable or if animal code violations have been committed by the potential adoptive owners. (Ord. 3769, 8-6-2012)

D. An Applicant for an animal adoption shall pay an inspection fee of \$15 to cover the cost of the inspection of their property by an Animal Control Officer. If the adoption is approved the Applicant shall pay for a spay/neuter voucher for a portion of a veterinarian's fee for the spay/neuter procedure, an identification micro chip, license fee, if necessary, and a collar, tag, leash for a dog and crate for a cat. The Applicant may supply a collar, tag, leash for dogs and crate for a cat. (Ord. 3769, 8-6-2012)

4-25. Manner of taking.

Steel jaw type traps shall not be used for the capture of domestic animals by the City. Such traps shall not be given to any person for any reason. However, such traps may be used by the City to catch wild animals within the City. If domestic animals are caught in such a trap, it shall be released at the trap site, unless it is injured or dangerous in which case proper action will be taken. In the enforcement of this Code, this Section shall not be

construed as preventing police officers or Animal Control Officers from using reasonable means to take possession of animals. Reasonable means include but are not limited to nets and tranquilizer guns. (Ord. No. 773, 3-17-75.)

4-26. Impoundment generally.

It is the duty of Animal Control Officers and Police Officers to take and impound dogs and other animals running at large, whether licensed or unlicensed, and to place such animals in the animal control center. If a dog or cat is licensed, the Animal Control Officer shall attempt to notify the owner. If a licensed dog or cat is not reclaimed by the owner within twenty-four (24) hours of actual notification, the dog or cat shall be humanely destroyed. If the owner cannot be notified a licensed dog or cat shall be kept at the animal control center for a period of five (5) days. An unlicensed dog or cat shall be detained in the Animal Control Center for seventy-two (72) hours from impoundment, before it is destroyed unless it is reclaimed by the owner and licensed or purchased for accrued fines and charges, including license fees by a new owner, except that a feral cat which shows vicious or aggressive behavior shall be detained 24 hours, before it may be destroyed, unless it is reclaimed by the owner and licensed and all accrued fines and charges are paid. When in pursuit of an animal running at large, Animal Control Officers may enter private property exclusive of buildings and take the animal into possession for impoundment. (Ord. No. 773, 3-17-75; Ord. No. 965, 9-11-78; Ord. No. 1554, 9-4-84; Ord. No. 3439, 7-17-2006)

4-27. Reports.

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 or sold, if reclaimed, by whom, and if sold, the price and the buyer. For each animal reclaimed or sold, a duplicate receipt will be made with the animal's number on it. The Animal Control Officer will pay over to the City Clerk all moneys received by him. (Ord. No. 773, 3-17-75.)

4-28. Disposition of infected or injured animals.

Any impounded animal which is suffering from distemper or other serious disease, or is maimed and suffering from injury will be humanely destroyed before the impoundment period has elapsed, subject to the provisions of 4-30 regarding rabies. Any animal in need of veterinary care shall be released to the care of the veterinarian upon written request of the owner, if such owner can be found. (Ord. No. 773, 3-17-75.)

4-29. Reclamation.

An owner reclaiming an animal shall pay an impoundment fee of \$15.00, the first time the animal is impounded, and \$30 for each subsequent impoundment if the animal is neutered or spayed or \$50 for each subsequent impoundment if the animal is not neutered or spayed. In addition, the owner shall pay a \$ 10 board fee for each animal for each day or fraction thereof that the animal has been impounded. An owner of an impounded, unlicensed animal shall pay the required amount plus the fee for a City Animal License, if applicable, and an additional fee to cover the cost of vaccination if the owner does not have a current Rabies Vaccination Certificate. On payment of the vaccination fee, the animal owner will be issued a receipt which shall be presented to consenting Veterinarians for the required rabies vaccination. The Veterinarian shall present the vaccination receipt for payment by the City. Upon vaccination, the Vaccination Certificate shall be presented to the Police Department to obtain the required City Animal License. (Ord. No. 773, 3-17-75;Ord.No. 824, 6-7-76 ;Ord. No. 3031, 3-16-98; Ord. 3769, 8-6-2012)

4-30. Duties of Animal Control Officer when animal bites.

A. It is the duty of the Animal Control Officer when a notice is given him that an animal has bitten a person, to take the animal into custody and notify the owner, if known and the appropriate health officials. The animal will be impounded for a period of ten (10) days, provided that the owner may request in writing that the animal be released to the custody of a licensed veterinarian at the owner's expense. If, after the end of the ten-day period the animal exhibits no symptoms of rabies, the animal may be returned to the owner by the veterinarian. If impounded in the Animal Control Center, it will be returned to the owner by the Animal control Officer upon payment of all accrued charges. If the owner has not been found, the animal shall be disposed of after the ten (10) days. In either case, the appropriate health officials will be notified of the animal's condition at the end of the ten (10) days. (Ord. No. 773, 3-17-75;Ord.No. 3031, 3-16-98)

B. Instead of quarantine at the Animal Control Center or with a local veterinarian, the animal may be returned to and quarantined with its owner, in the discretion of the Animal Control Officer, if the owner presents current rabies vaccination certification for the animal, if the person bitten (or guardian if the person bitten is a minor or is incompetent) consents in writing and the animal's owner acknowledges in writing that he or she understands that the animal has recently bitten a person and is under observation for rabies. During the quarantine, the owner must permit inspections of its premises where the animal will be quarantined, and allow access to the animal itself, at any time and from time to time, by the Animal Control Officer. The animal must be kept away from other animals and people except the residents of the owners home, where the animal resides and the animal may not be moved from that location without first obtaining the permission of the Animal Control Officer. During the quarantine the owner must advise the Animal Control Officer if the animal becomes sick and at the end of the quarantine the Animal Control Officer shall inspect the animal. If the Animal Control Officer finds that the owner is not following the terms of this ordinance or its written agreement, the Animal Control Officer shall seize the animal and impound it at the Animal Control Center.(Ord. No. 3031, 3-16-98)

4-31. Duties of Animal Control Agency when biting animal cannot be captured.

No person shall kill any animal suspected of being rabid, until after the animal has been quarantined as provided by Sec 4-29, and the 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 with gunshot not aimed at the head of the animal. When dead, the animal's head is to be severed from its body, and the head sent to the state laboratory for examination. (Ord. No. 773, 3-17-75.)

Article VI. Project Administration.

4-32. Animal fines to support enforcement of this chapter.

Any and all monies collected under the terms of this chapter over and above necessary administrative and operating expenses shall be used in projects and programs to further the intent of this chapter. (Ord. No. 824, 6-7-76.)

Article VII. Urban Chickens.

4-33. Definitions.

A. As used in this Section, the following terms mean:

- (i) "Animal" Any non-human living creature, domestic or wild.
- (ii) "Animal Control Center" Any premises designated by the City of Gillette, Wyoming, for the purpose of impounding and caring for animals held under authority of this Code.
- (iii) "Animal Control Officer" A special officer whose duties include, but are not limited to, enforcement of the provisions of this Code.
- (iv) "Chicken" – an adult female chicken. For purposes of this Article only, Chicken does not include a rooster, cockerel, fryer, capon or any other type of chicken
- (v) "Coop" a **Chicken** enclosure of at least four (4) square feet per chicken constructed of solid walls on all sides and covered with a solid roof. Chickens must have access to the Coop at all times.
- (vi) "Chicken Run" and outdoor enclosure capable of containing Chicken(s) within the Chicken Run; and protecting Chicken(s) from predators.
- (vii) "Pen" area outside the Coop and Chicken Run in the rear yard of the home capable of containing Chicken(s) on the Owner's property. The Pen may serve as the Chicken Run.
- (viii) "Owner" means any person, partnership or corporation owning, keeping, or harboring one or more Chickens. A person with custody or control of another person's Chicken is considered an owner for purposes of this Section of the Gillette City Code.
- (ix) "Person" An individual, partnership, company, corporation or other entity.
- (x) "Violation notice" A citation including the name of the owner; a description if necessary of the Chicken; a recital of the section

violated and the facts that support the violation; the amount of the fine and signature of the issuing Animal Control Officer.

4-34. Chickens.

A. Chickens are permitted within the City limits in areas authorized by the City of Gillette Zoning Ordinance. Chickens outside the authorized zoning area or in numbers greater than permitted under the City of Gillette Zoning Ordinance violates this Section.

B. Coops must be at least four (4) square feet per chicken fully enclosed properly ventilated and predator resistant. Chickens must have access to the Coop at all times.

C. Coops and Chicken Runs shall be constructed a minimum of six (6) feet from side and rear property lines, and are only permitted in the rear yard of a home. If an alley is located adjacent to the property, the minimum setback for the coop shall be three feet from the alley. Coops and Chicken Runs must comply with all applicable building code requirements, located in Gillette City Code Chapter Five, including any associated fees and permits. Failure to comply with Chapter Five of the Gillette City Code violates this Section.

D. No coop shall exceed a footprint of sixty square feet, or shall exceed a height of seven feet at the highest point of the roof.

E. Pens are only permitted in the rear yard of a home. Pens must comply with all applicable building code requirements, located in Gillette City Code Chapter Five, including any associated fees and permits. Failure to comply with Chapter Five of the Gillette City Code violates this Section.

4-35. Chickens at large.

A. Chickens shall be confined to the Pen at all times. Chickens must be enclosed in the Coop from dusk to dawn. Chickens outside the Pen and the Owner's possession are considered a Chicken at large in violation of this Section.

B. Any Chicken at large may be impounded by Animal Control and placed for adoption or euthanized if not reclaimed within three (3) working days.

4-36. Chicken Nuisances.

A. Excessive, continuous or untimely Chicken noise; molesting passersby; attacking other animals; trespassing upon public or private property, in the sole discretion of the Animal Control Officer or other law enforcement officer, shall constitute a violation of this Section.

4-37. Chicken feces.

A. It is the responsibility of Owner to keep their property free of Chicken feces to avoid an offensive odor outside the Owner's property or danger to the public health. All feces must be covered by a fully enclosed structure with a solid roof. The feces must be removed from the structure in a timely manner. An Animal Control Officer, Police Officer, or Sheriff, may issue a Violation Notice if feces control issues, in their sole discretion, causes a danger to the public health.

4-38. Cruelty to Chickens.

A. It is a violation of this Section for any Owner to fail to provide his Chicken(s) with sufficient food and water, proper shelter, veterinary care, and humane treatment. No person shall beat, torture, torment, or otherwise abuse any Chicken; or cause or permit any cockfight or other combat between Chickens.

4-39. Maiming or poisoning Chickens.

A. No person shall willfully kill, maim or disfigure any Chicken except as affirmatively provided in this Code; or administer poison or cause Chickens to ingest any foreign object; or expose any Chicken to poisonous substances. This Section does not limit the actions of a police officer or Animal Control Officer.

4-40. Failure to license.

A. It is a violation of this Section for any person to own any Chickens without a current license.

4-41. Slaughtering/Butchering Chickens.

A. It is a violation of this Section for any Person to slaughter/butcher any Chickens within the City limits.

4-42. Licenses-General

A. The City retains authority to license and regulate, or prohibit Chickens in the City. The City retains sole authority to approve or deny a License, or to place conditions on the issuance of the License.

B. Licenses will only be issued for a verifiable address in the City limits that authorizes Chickens in accordance with the City of Gillette Zoning Ordinance.

C. Individual addresses are allowed one (1) License.

D. Any Person, requesting a License authorized by this Section shall apply to the City Animal Control Center.

E. The application shall be filed in the Animal Control Center and shall contain the following information:

- (i) The name, age and address of the Owner.
- (ii) The number of Chickens, location of the Coop, and the dimensions of the Chicken Run and/or Pen. No location may have more than one (1) Coop.

F. Prior to issuing a License a City Animal Control Officer must inspect and approve, in his sole discretion, the Coop, Chicken Run and/or Pen and notify the City Clerk.

- (i) Acceptance of a License under this Section authorizes the City Animal Control, Gillette Police Department, or any other law enforcement agency to inspect the premises where the Chickens are housed upon reasonable notice to the Owner when possible. Refusal to allow inspection shall result in the immediate revocation of the License and any associated penalties associated with housing Chickens without a License.

G. A License shall not be held by or issued to:

- (i) Any person under the age of eighteen (18) years.

H. A License is valid for one year from July 1. The fee for an initial License is fifty dollars (\$50.00). Licenses granted during the year are not prorated.

I. Applications for renewal shall be filed no later than thirty (30) days prior to expiration.

J. The applicant shall provide with the application for renewal the fee of fifteen dollars (\$15.00) for the License.

K. Fees required to be tendered under this Section shall be paid to the Animal Control Center by means of cash, personal check, or business check.

L. Licenses are nontransferable.

4-43. Enforcement and Penalties.

A. Any Person who violates any provision of this Section is guilty of a misdemeanor and shall be fined not more than seven hundred and fifty dollars, imprisoned for not more than six (6) months, or both. Each day of non-compliance with any provision of this Section shall constitute a separate offense. Each violation may result in revocation of the License and removal of the Chicken.

B. The requirements of this Section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions regarding Chickens contained in private covenants. Nothing in this Section shall affect the authority of any owners' association to adopt and enforce more stringent standards for the

keeping of Chickens, or to prohibit the keeping of Chickens on any property within the jurisdiction of any association. (Ord. No. 3991, 04-06-21.)