

**Resolution 2017-05**

**A RESOLUTION ADOPTING THE AMENDMENT TO THE ANIMAL CONTROL REGULATIONS FOR ALBANY COUNTY, WYOMING**

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

**WHEREAS**, the Board of County Commissioners for Albany County (County) has provided for such animal control regulation by Resolution adopted on November 6, 1979 and effective January 1, 1980 and Resolution adopted June 17, 1980 declaring dogs running at large a public nuisance.

**WHEREAS**, the County now desires to amend said animal control regulation to include regulations relative to dogs and animals other than livestock running at large in the unincorporated areas within the county; that a fine shall be imposed on the owner of such animal and restitution for any damages to person or property caused by the animal; and dogs or other animals, whose ownership cannot be determined, or vicious dogs may be destroyed that is consistent with the purpose of Wyo. Stat. § 11-31-301.

**WHEREAS**, pursuant to Wyo. Stat. Ann. § 16-3-103, the Albany County Board of County Commissioners held a public hearing on January 17, 2017, which said hearing was advertised by public notice in the local newspaper of *Laramie Boomerang* at least forty-five (45) days prior to said hearing;

**WHEREAS**, at the public hearing, the Albany County Board of County Commissioners provided the opportunity for the public to comment and for the Albany County Board of Commissioners to consider any comments which were made on the proposed animal control regulations;

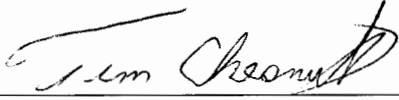
**NOW THEREFORE THE BOARD OF COUNTY COMMISSIONERS OF ALBANY COUNTY, WYOMING, RESOLVES:**

**Section 1.** That the foregoing recitals are incorporated in and made a part of this resolution by this reference.

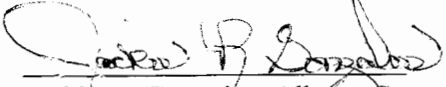
**Section 2.** That the Board of County Commissioners of Albany County hereby adopt the Amended Animal Control Regulations effective February 1, 2017 and all prior regulations and their amendments relating to control over dogs, or other animals are hereby repealed.

PASSED, APPROVED, AND ADOPTED THIS 17<sup>th</sup> day of January, 2017.

**THE BOARD OF COUNTY COMMISSIONERS OF  
ALBANY COUNTY, WYOMING**

  
\_\_\_\_\_  
Tim Chesnut, Chairperson

ATTEST:

  
\_\_\_\_\_  
Jackie R. Gonzales, Albany County Clerk

**ALBANY COUNTY, WYOMING  
AMENDED ANIMAL CONTROL REGULATIONS**

**TABLE OF CONTENTS**

<b>Section 1.</b>	<b>Authority.</b>	<b>1</b>
<b>Section 2.</b>	<b>Purpose.</b>	<b>1</b>
<b>Section 3.</b>	<b>Severability.</b>	<b>1</b>
<b>Section 4.</b>	<b>Definitions.</b>	<b>1-2</b>
<b>Section 5.</b>	<b>General Declaration and Powers</b>	<b>2-3</b>
<b>Section 6.</b>	<b>Criminal Violations.</b>	<b>3-4</b>
<b>Section 7.</b>	<b>General Penalty Provision.</b>	<b>4</b>

**Section 1: Authority.** These regulations are promulgated by the Board of County Commissioners of Albany County, Wyoming, (County) pursuant to the Wyoming Administrative Procedures Act, W.S. §16-3-101 and in accordance with Wyo. Stat. § 11-31-301 (g) (LexisNexis 2013) authorizing the County to enact regulations in the unincorporated areas within the county relative to dogs running at large, and vicious dogs, that is consistent with the purpose of Wyoming Statute § 11-31-301.

**Section 2. Purpose.** The purpose of these rules is to protect persons and property from dogs running at large, and vicious dogs in the unincorporated areas within the County and to provide for restitution for any damages to person or property caused by a dog running at large.

**Section 3. Severability.** If any section, subsection, sentence, clause, phrase or portion of this regulation is for any reason held invalid or unconstitutional by a court of competent jurisdiction, that portion shall be considered a separate, distinct and independent provision, and the holding shall not affect the validity of the remaining portions of this regulation.

**Section 4: Definitions.**

(a). As used in the Albany County Animal Control provisions and Regulations, terms will have meanings as follows:

(i). “Animal” means any owned, vertebrate creature other than livestock, including reptiles.

(ii). “Animal Control Officer” means an employee or designee of the Laramie Police Department or Albany County Sheriff’s Office with responsibility for enforcing these regulations, or any peace officer.

(iii). “At Large” means any dog off the property of its owner and not under the control of a competent person and thereby, existing as a public nuisance.

(iv). “Harasses” means worries, chases or runs after person, livestock or animal in a manner that may lead to subsequent injury to a person, livestock or animal.

(v). “Livestock” means cattle, bison, horses, mules, asses, sheep, swine, fowl, goats and llamas.

(vi). “Owned” or “owner” means any person, partnership or corporation owning, keeping or harboring one or more dogs. A person with custody or control of another person’s dog is considered an owner for the purposes of these regulations or any person who harbors about his premises a dog for twenty (20) days shall be taken and held as the owner.

(vii). “Restraint” means any dog secured by a leash or lead, or under the control of a responsible person and obedient to that person’s commands, or within the real property limits of its owner.

(viii). “Veterinary clinic” means a facility, place or business that medically treats dogs and employs a Wyoming licensed veterinarian, veterinarian in training or 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.

(ix). “Kennel” means a facility including a veterinary clinic, that houses, shelters or trains dogs for a monetary value as a primary source of business and is properly licensed, if necessary .

**Section 5: General Declaration and Powers.**

(a). All dogs shall be kept under restraint.

(b). Restitution for any damages to persons or property caused by a dog running at large shall be paid by the dog’s owner.

(c). If any dog is running at large and cannot be safely taken up and impounded, such dog may be destroyed by any Animal Control Officer. Evidence of the fact that such dog has attacked or bitten any person or animal at any place where such person is legally entitled to be may be proof that the dog is vicious and cannot be taken safely.

(d). Any dog 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 dog attacking, harassing or threatening livestock or animals may be destroyed by any Animal Control Officer or the owner of the livestock or animal. When livestock is trespassing upon property the property owner may use dogs to drive and keep off livestock from the property.

(e). Any dog attacking any person in a vicious manner or that bites any person or animal may be impounded by the 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 dog has any disease which may be communicated to humans. Home quarantine may be allowed as determined by the Animal Control Officer if the animal’s owner or custodian presents a valid rabies vaccination certificate showing the dog has been vaccinated against rabies by a veterinary surgeon or designee . Proof of the fact that the dog has bitten or attacked any person or animal at any place where a person is legally entitled to be is evidence that the dog may be vicious within the meaning of this section. A copy of any Animal Control Officer report regarding the dog bite shall be submitted to the state health officer.

(f). When a dog which has bitten a person or animal and is impounded, it shall be quarantined from other animals.

(g). Animal Control Officers are hereby authorized to enter upon any private property excluding a dwelling unit within the County for the express purposes of apprehending and impounding dogs in which Animal Control Officers has witnessed to be running at large.

(h). Any dog captured while in violation of any of these regulations shall be impounded. If a dog has a tag, Animal Control Officer should make every reasonable effort to contact the owner. Any such dog with a tag shall be held for a period of time as provided by the City Animal Shelter standard operating procedure. All untagged dogs shall be held for a period of time as provided by the City Animal Shelter standard operating procedure and dogs not claimed by their owners may be placed for adoption, or may be humanely destroyed pursuant to the City Animal Shelter standard operating procedure.

(i). Any owner reclaiming a dog must pay an impoundment and boarding fee set by the City Animal Shelter. Boarding fees are for each day the dog has been at the City animal Shelter. The impoundment and boarding fee is in addition to any fines or penalties imposed herein.

(j). Any person finding a dog at large upon his property may take said dog 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 a dog at the request of the owner, or if the owner abandons the animal pursuant to the City's Animal Shelter standard operating procedure. The owner of the dog shall be responsible for all costs associated with the destruction and disposal of the animal. Owners must sign a release to the Animal Control Officer. All animals turned in by their owners to be disposed of at the discretion of the Animal Control Officer need not be held for any length of time for adoption or destruction.

(l). The provisions of these regulations shall be enforced by those people or agencies designated by the Board of County Commissioners. It shall be a violation of these Regulations, in addition to any other applicable law, statute or regulation, to interfere with an Animal Control Officer, or to fail to obey the lawful order of an Animal Control Officer.

(m). Dogs involved with and under the general control of law enforcement officers are exempt from the provisions of these regulations. Nothing in these regulations shall apply to any livestock guarding dog which is actively engaged in protecting livestock or engaged in legal hunting activities. Except in the case of gross or willful negligence, no liability shall accrue to the owner, or his agent, of any livestock guarding dog or hunting dogs engaged in legal hunting activities.

#### **Section 6. Criminal Violations.**

(a). It shall be unlawful for the owner of any dog to allow or permit a dog to run at large in the unincorporated areas of the County except as outlined in Section 5 of these Regulations and shall be subject to the penalties imposed under Section 7 of these Regulations.

(b). Any dog running at large in unincorporated areas of the County which attacks any person in a vicious manner, the owner of the dog shall be subject to the additional penalties imposed under Section 7 of these Regulations.

(c). Any dog running at large in unincorporated areas of the County which attacks or fights with other animals, the owner of the dog shall be subject to the additional penalties imposed under Section 7 of these Regulations.

(d). 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 dog is not impounded or assessed directly to the owner at the time the dog is claimed, if impounded.

#### **Section 7. General Penalty Provision.**

(a). A first conviction of any owner of a dog allowing or permitting a dog to run at large in the unincorporated areas of the County is punishable by a fine of not more than fifty dollars (\$50.00). Each subsequent conviction is punishable by a fine of not more than one hundred dollars (\$100.00). 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). Additionally, the Court upon a conviction of any owner of a dog which was allowed or permitted to run at large in the unincorporated areas of the County shall impose on the dog's owner any boarding or impoundment fees for the owner's dog, destruction and disposal fees of the owner's dog and impose any restitution for any damages to persons or property caused by the owner's dog. The Court may also order any future physical restraint of the owner's dog, or

that the owner post warning signs or both. At the discretion of the Court, and upon request of the prosecution, destruction of a dog may be ordered.