

COUNCIL PROCEEDINGS  
Casper City Hall – Council Chambers  
February 19, 2019

1. ROLL CALL

Casper City Council met in regular session at 6:02 p.m., Tuesday, February 19, 2019. Present: Councilmembers Bates, Freel, Hopkins, Huber, Johnson, Lutz, Pacheco, Walsh and Mayor Powell.

2. PLEDGE OF ALLEGIANCE

Citizen Drina Niegisch led the audience in the Pledge of Allegiance.

3. MINUTES

Moved by Councilmember Walsh, seconded by Councilmember Hopkins, to, by minute action, approve the minutes of the February 5, 2019, regular Council meeting, as published in the Casper-Star Tribune on February 12, 2019. Motion passed.

4. EXECUTIVE SESSION MINUTES

Moved by Councilmember Johnson, seconded by Councilmember Freel, to, by minute action, approve the minutes of the February 5, 2019, executive session. City Manager Napier notified the Mayor that someone on Council indicated a potential amendment to the minutes and requested that Council discuss this during the Executive Session after the regular session and then approve the minutes at the March 5<sup>th</sup> meeting. Moved by Councilmember Hopkins, seconded by Councilmember Walsh, to, by minute action, table the approval of the minutes until the March 5, 2019 Council meeting. Motion passed.

5. BILLS & CLAIMS

Moved by Councilmember Johnson, seconded by Councilmember Bates, to, by minute action, approve payment of the February 19, 2019, bills and claims, as audited by City Manager Napier. Motion passed.

	Bills & Claims 02/19/19	
AHiatt	Reimb	\$234.99
AMBI	Services	\$1,913.22
Ameritech	Services	\$16,840.78
AndrnHunt	Services	\$74,056.68
ArrowheadHeating	Services	\$263.92
B32Eng	Services	\$7,755.00
BakerHostetler	Services	\$1,495.00
Balefill	Services	\$91,965.72
BankOfAmerica	Goods	\$195,582.90
BHEnergy	Services	\$30,019.26
Caselle	Services	\$75.00
CasparBuildSystems	Services	\$237,642.30
CasperPubUtilities	Services	\$135.95

CDWGvmt	Goods	\$884.52
CentralPaint&Body	Services	\$593.40
Centurylink	Services	\$18,090.17
CivilEngineeringProfessionals	Projects	\$8,562.50
CntlWyHospice	Funding	\$6,718.50
CollectionCenter	Services	\$301.48
CommTech	Goods	\$2,677.75
Darquest	Supplies	\$442.50
DeltaDental	Services	\$40,494.57
DesertMtn	Goods	\$21,247.12
Diebold	Supp	\$612.54
DmndVogl	Svc	\$33.29
DvdsnFxdMgmt	Services	\$3,998.99
EngDsgnAssoc	Services	\$875.00
FirstData	Services	\$2,952.83
FirstInterstateBank	Services	\$229.54
GlobalSpect	Funding	\$35,000.00
HDR Engineering	Projects	\$2,448.43
HewlettPackard	Goods	\$334,000.20
Hitek	Services	\$215.00
Homax	Goods	\$53,342.63
HopperDisp	Services	\$10,970.00
InbergMillerEngineers	Services	\$14,530.30
JEvans	Refund	\$10.21
JTLGroup	Services	\$237.60
K Suba	Reimb	\$35.45
KubwaterResources	Goods	\$5,398.90
L Rakisits	Reimb	\$119.93
LisasSpicnSpan	Services	\$1,121.00
LMedoff, PH.D	Services	\$250.00
LongBuildingTech	Services	\$4,237.25
Lower&Co	Svc	\$4,071.25
LRamsey	Refund	\$815.88
M Bratvold	Reimb	\$170.00
MDaubin	Refund	\$1,494.49
Motorola	Services	\$3,725.99
NationalBenefitServices	Services	\$427.00
NCHHealth Dept	Funding	\$45,000.00
NCSheriffsOffice	Funding	\$7,500.00
NKaiser	Reimb	\$802.00
OfficeStateLands	Services	\$140,172.28
PCN	Services	\$72,854.35
Pepsi	Goods	\$568.96

PortCmptrSys	Supplies	\$18,409.04
PowerEquipment	Goods	\$383,368.00
Printworks	Supp	\$261.73
RegionalWater	Services	\$279,978.45
ReliantTech	Supplies	\$14,143.26
RJWinters	Refund	\$48.94
RockyMtnPower	Services	\$190,462.84
RSchulenberg	Refund	\$1,548.92
RWillis	Reimb	\$170.00
SamParsonsUpholstery	Services	\$209.50
Shodgins	Reimb	\$30.00
Smarsh	Services	\$1,716.00
SpectraVenue	Services	\$1,050.00
Sprt&Ftnss	Supplies	\$19,646.53
SStockero	Reimb	\$25.74
StellarProgramming	Services	\$1,187.50
SWL	Services	\$9,480.00
TretoConstruction	Projects	\$164,730.27
Tweed'sWholesale	Goods	\$875.57
UltraMax	Goods	\$1,760.00
UntdRntals	Supplies	\$22,375.00
WardwellWater&Sewer	Services	\$14.32
WERCSCommunications	Services	\$1,507.28
WesternPlainsLandscaping	Services	\$23,477.86
WestPlainsEngineering	Services	\$200.00
WstPlnsLndscp	Retain	\$13,774.31
WstrnStsFire	Supp	\$491.50
WyDeptEmployment	Services	\$518.87
WYDOT	Services	\$21.73
WyMachinery	Goods	\$564,332.64
WyPeaceOfficers	Services	\$210.00
YouthCrisisCenter	Funding	\$21,718.50
		\$3,243,958.82

6. COMMUNICATIONS FROM PERSONS PRESENT

Individuals addressing the Council were: Dennis Steensland, 533 S. Washington, regarding poor audio quality of Council meetings and the lengthy process to sell the former Plains Furniture property; and Janet Mayer, 306 W. 14, regarding abandoned vehicles.

7. ESTABLISH PUBLIC HEARINGS

Moved by Councilmember Hopkins, seconded by Councilmember Johnson, to, by minute action: establish March 5, 2019, as the public hearing date for the consideration of vacation and replat of Cabin Creek Estates No. 3, Lot 1, and plat of a portion of the

Paradise Valley Golf Course, to create Cabin Creek No. 4, comprising 0.22-Acres, more or less, located on the West Side of Fairway Drive; transfer of ownership for Retail Liquor License No. 28, from Caputa's Catering, LLC, d/b/a Prime Time, located at 4370 South Poplar to Propper Management, LLC, d/b/a Sunrise Lanes, located at 4370 South Poplar; and new Bar and Grill Liquor License No. 11 for 71 SE Wyoming Blvd, LLC d/b/a The Horse Palace, located at 71 SE Wyoming Boulevard. Councilmember Walsh abstained from voting on establishing the public hearing date for the new Bar and Grill License. Motion passed.

8.A.1 PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the ordinance amending Chapter 10.60 – Abandoned Vehicles. City Attorney Henley entered one (1) exhibit: correspondence from Will Chambers to the Casper City Council and J. Carter Napier, dated February 8, 2019. City Manager Napier provided a brief report. There being no one to speak for or against the issues involving the ordinance, the public hearing was closed. Following ordinance read:

ORDINANCE NO. 5-19

AN ORDINANCE AMENDING CHAPTER 10 OF THE  
CASPER MUNICIPAL CODE PERTAINING TO  
ABANDONED VEHICLES.

Councilmember Walsh presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Hopkins. Motion passed.

8.A.2 PUBLIC HEARING - ORDINANCE

Mayor Powell opened the public hearing for the consideration of the small wireless facilities ordinance. City Attorney Henley entered one (1) exhibit: correspondence from ten City of Casper staff members to J. Carter Napier, dated February 7, 2019. City Manager Napier provided a brief report. There being no one to speak for or against the issues involving the small wireless facilities, the public hearing was closed. Following ordinance read:

ORDINANCE NO. 6-19

AN ORDINANCE ADOPTING AND APPROVING THE  
RIGHT-OF-WAY SMALL WIRELESS FACILITY  
IMPLEMENTATION COST STUDY AND FEE STRUCTURE  
DEVELOPMENT REPORT; AND, THE SMALL WIRELESS  
FACILITES RECOMMENDED REQUIREMENTS.

Councilmember Hopkins presented the foregoing ordinance for approval, on first reading. Seconded by Councilmember Lutz. Motion passed.

8.A.3 PUBLIC HEARING - MINUTE ACTION

Mayor Powell opened the public hearing for the consideration of the annual renewal of liquor licenses for the license year April 1, 2019 through March 31, 2020. City Attorney Henley entered five (5) exhibits: correspondence from Fleur Tremel, to J. Carter Napier, dated January 29, 2019; an affidavit of publication for the majority being renewed, as published in the Casper-Star Tribune, dated February 14, 2019; an affidavit of publication for two additional renewals, as published in the Casper-Star Tribune, dated February 14, 2019; an affidavit of website publication, as published on the City of Casper

website, dated February 5, 2019; and an affidavit of notice of conspicuous posting, as dated February 5, 2019. City Manager Napier provided a brief report. There being no one to speak for or against the issues involving the annual renewal of liquor licenses, the public hearing was closed. Moved by Councilmember Johnson, seconded by Councilmember Walsh, to, by minute action, authorize the annual renewal of liquor licenses. Motion passed.

9. ORDINANCE – THIRD READING

Following ordinance read:

ORDINANCE NO. 1-19 AMENDED  
AN ORDINANCE REPEALING AND REPLACING  
CHAPTER 56.04 – ANIMAL CARE AND CONTROL OF THE  
CASPER MUNICIPAL CODE. (full ordinance below)

Councilmember Pacheco presented the foregoing ordinance for approval, on third reading. Seconded by Councilmember Walsh. Individuals addressing the Council were: Megan Schafer, 232 S. Lennox, requesting specific language for reservation of parks for dog training and allowance for the proof of a rabies antibody titer in place of an annual shot; Eric Paulson, 751 N. Durbin, expressing his concerns about punishments for pet owners; Drina Niegisch, 2255 Crescent, also with concerns about the punishments for pet owners; Mileage Mike Harrison and wife, 742 N. Jefferson, sharing concerns about the leash law; Nicholas Wales, 906 E. 17<sup>th</sup>, sharing concerns that the ordinance is excessive for reasonable owners; Don Hinton, 1420 Kingsbury, also stating that the ordinance is heavy handed; Diana Deshno, 1022 N. Jefferson, sharing concerns about service animals and requesting Council consider having owners of service animals complete an affidavit; and, Andrew Zawislanski, 1441 Hazelwood, expressing concern about animal waste in the cemetery. Councilmembers then discussed how dog training park permits could be more specific and asked Parks and Recreation Director, Tim Cortez for his opinion. Mr. Cortez suggested language but deferred to City Attorney Henley. Moved by Councilmember Walsh, seconded by Councilmember Bates to specify on the permit the specific area of the park to be used and to overall identify any potential conflicts of interest for use of the park during the permitting process. Motion to amend passed. Council discussed the option to have a rabies antibody titer and decided to not amend the rabies section at this time. Councilmembers then discussed service animals and City Attorney Henley provided further information. The discussion then led to the limit on the number of pets, and if service animals would be counted as part of that number. Moved by Councilmember Huber, seconded by Councilmember Hopkins to tidy up the formatting of the lines involving kennels and catteries. Councilmember Lutz then explained that the language regarding the number of cats and dogs was misleading due to the and/or. Council discussed removing the “or” to instead state three cats and three dogs. City Manager Napier clarified that the result of the change would allow a total of six cats and dogs, with no more than three being cats or no more than three being dogs on a premises. Motion to amend passed. Councilmember Walsh then addressed many of the concerns brought forward by citizens. Councilmember Huber offered that he felt this was a reasonable, but not perfect, ordinance. Councilmembers Bates then spoke regarding a request for specific language involving cruelty to animals involving inclement weather. Councilmember Walsh emphasized that specific language limits the options the law enforcement or animal

protection officer may have to protect the animal. Council had no further amendments. Mayor Powell summarized the intentions of Council to continue to provide dog owners additional park and recreation options in the future. Council then voted on the ordinance, as amended twice, motion passed.

ORDINANCE NO. 1-19

AN ORDINANCE REPEALING AND REPLACING CHAPTER  
6.04 – ANIMAL CARE AND CONTROL OF THE CASPER  
MUNICIPAL CODE.

WHEREAS, the current Casper Municipal Code addressing animal care and control needs significant modifications to provide for greater protection for animals and also to better protect humans and their pets and their property; and,

WHEREAS, the City is authorized to regulate and take measures to prevent conduct which disturbs or jeopardizes the public health, safety, and peace; and,

WHEREAS, it is in the citizens of Casper's best interest and the City's best interest to promote the responsible care and control of animals.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING: That the existing Chapter 6.04 of the Casper Municipal Code is hereby repealed and replaced as follows:

Chapter 6.04 - ANIMAL CARE AND CONTROL

**Sections:**

6.04.001 Purpose and Intent

The purposes of this Ordinance are to promote the public health, safety, and general welfare of the citizens and visitors of the City of Casper, and promote the health and safety of animals.

6.04.010 - Definitions.

When used in this Chapter, words have their common meaning and in addition the following words, terms, and phrases, and their derivations have the following meanings:

1. "Abandon" means a person leaves an animal on public or private property without permission to ensure proper care and supervision. An animal that is left in the Metro Animal Shelter for seven (7) working days, shall be deemed abandoned.
2. "Altered" means neutered; spayed or castrated.
3. "Animal" means any live vertebrate creature, domestic or wild.
4. "Animal control district" means the City of Casper, Wyoming.
5. "Animal protection officer" means any person designated by the director as a special municipal officer who is qualified to perform such duties under this chapter and the laws of this state.
6. "Animal services shelter" means any facility operated by a municipal agency, or its authorized agents for the purpose of housing, impounding or caring for animals held under the authority of this chapter or state law.
7. "At large."
  - a. The definition of "at large" in this Chapter, is subject to and subservient to Sections 6.04.301 to 6.04.303 of this Chapter addressing dangerous or vicious animals. For dangerous or vicious animals, any violation of Sections 6.04.301 to 6.04.303 are violations also of the "at large" provisions of this Chapter.
  - b.i. A non-vicious, non-dangerous animal is deemed "at large:"
    - (a) If it is off the owner's property and not leashed or in an enclosed carrier; or

- (b) If it is on the owner's property and not under the direct supervision of the owner or not confined to the extent that the animal cannot leave the boundaries of the property; examples of confinement are by use of fencing or other secure enclosures or by tethering.
- b.ii. A non-dangerous or non-vicious animal shall not be considered "at large" when held and controlled by a person by means of a leash or chain of proper strength and length to control the action of the animal, or while confined within a vehicle. If the animal within a parked vehicle can extend its entire head outside the enclosed cabin compartment of the vehicle or beyond the side of a truck bed, that animal shall be deemed at large.
- b.iii. A non-dangerous or non-vicious dog is not considered to be at large if within the interior of designated areas which permit dogs to be off leash, as established by the City of Casper.
- b.iv. Under any circumstance, on a City-owned Golf Course.
8. "Attack" means an aggressive or violent action against a person or animal.
9. "Cage and aviary birds" means those exotic captive reared birds, such as parrots, exotic finches, and canaries, which are adapted to live and breed in a cage. For the purpose of this chapter the monk parakeet (*myiopsitta monachus*) is not a cage and aviary bird.
10. "Chicken" a domestic fowl kept for its production of eggs and meat.
11. "Circus" means any nonresident variety show which features animal acts.
12. "City-county health officer" means a representative of the Natrona County-City of Casper Health Department, or a health official designated by the Casper City Manager.
13. "Commercial animal establishment" means any pet store, grooming shop, auction, riding school or stable, circus performing animal exhibition, kennel or other establishment in which animals are used for commercial purposes.
14. "Commercial purpose" means the keeping of animals for the purpose of profit.
15. "Control" means an animal which:
- a. is under a physical restraint so as to not be allowed to engage a passerby or other animal; such as a leash or in an enclosed carrier.
16. "Dangerous animal" means any animal under the totality of circumstances, which poses an unacceptable risk of injuring a human, a pet or property. Indicia of a dangerous animal shall include, but not be limited to, aggressive lunging, growling, snarling, nipping, bearing teeth.
17. "Director" means the City Manager or his/her designee.
18. "Direct supervision" as used in the definition of "at large," above, means: The owner of the animal is in the same area as the animal and not separated by any barrier; the owner must be able to immediately see and effectively call and manage the animal.
19. "Domesticated animals" means those individual animals which have been made tractable or tame.
20. "Isolation facility" means any place specified by the Director or his/her designee which is equipped with a pen or cage which isolates an animal from contact with other animals.
21. "Kennel" or "cattery" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats, or any residence or property on which is maintained more than three dogs and three cats more than six months of age. It is illegal to maintain a kennel or cattery contrary to the terms of this code, in a zone or location in which a kennel or cattery is not permitted.
22. "License" means permission issued by the Director, or his/her designee, authorizing the holder to keep a dog or cat. An identification tag shall be issued for each animal licensed. A valid rabies vaccination is required to obtain a license.

23. "License Tag" means a tag of a design prescribed by the Director, or his/her designee, which bears the corresponding number of the dog or cat's license.
24. "Licensing authority" means Metro Animal Services (MAS)
25. "MAS" means Metro Animal Services
26. "Microchip" means an identifying integrated circuit which is placed under the skin of an animal.
27. "Owner" includes a person who owns, harbors, keeps, maintains or exercises control over an animal. Proof that a person is in control of a premise where an animal is usually kept, harbored or maintained shall establish a prima facie presumption that such person is the owner of such animal.
28. "Proper shelter" means a structure with three (3) sides, a top and a bottom or a commercially manufactured structure, which includes an igloo styled house, designed and marketed to protect animals from outside elements. The shelter must have adequate ventilation and drainage which allows the animal to enter, stand, turn around and lie down in a natural manner. It shall be placed on the owner's premises to effectively protect the animal from outside elements.
29. "Public nuisance" means any animal is considered a public nuisance if it:
- trespasses on school grounds, or
  - damages private or public property, or
  - interferes with passersby or a passing vehicle, to include bicycles, or
  - has bitten, scratched or attacked a person while at large, or
  - while not on the owner's premises, attacks another animal, or,
  - either individually or in concert, barks, whines, howls or otherwise makes noise in an excessive, continuous or untimely fashion.
  - interferes with the delivery of U.S. Mail or other delivery services.
30. "Cat" A member of the feline family and shall not include exotic wild cats, wild species of this family or hybrids thereof.
31. "Dog" A member of the canine family, but shall not include wild species of this family, or any hybrid thereof.
32. "Facilities for keeping" The pens, stalls, stables, corrals, feeding area, sheds and facilities of every kind where fowl, livestock or pets are penned, fed and/or protected from the weather. This shall not be interpreted to include a grazing area.
33. "Fowl" includes feathered animals regardless of age, excluding parrots and chickens.
34. "Grooming shop" A commercial establishment where animals are bathed, clipped, or otherwise groomed.
35. "High Risk Rabies Vector" means raccoon, skunk, fox, coyote and bat
36. "Impound" means to place an animal in the Metro Animal Shelter, or the taking into custody of an animal.
37. "Licensed Veterinarian" A practitioner of veterinary medicine who holds a valid license to practice their profession in the state in which they practice.
38. "Livestock" Includes any species of equine, bovine, ovine, swine, caprine or any hybrid thereof, regardless of age, sex, breed, size or purpose; inclusive of all ungulates.
39. "Local Rabies Control Authority" The Metro Animal Protection Supervisor , as appointed by the Casper Chief of Police.
40. "Parrot" Any of numerous tropical and semi-tropical birds of the order of Psittaciformes, characterized by short hooked bills, brightly colored plumage and in some species the ability to mimic human speech.



41. "Pen or corral" An enclosure in which livestock are kept.
42. "Performing animal exhibition" Any spectacle, display, act or event other than circuses, in which performing animals are used.
43. "Pet" Any animal normally kept for pleasure rather than utility, excluding those defined as fowl, livestock or wild by this code.
44. "Pet shop" Any person, partnership or corporation, whether operated separately or in connection with another business enterprise that buys, sells or boards any species of pets.
45. "Premises" A parcel of land (one or more contiguous lots) owned, leased or controlled by one or more persons.
46. "Quarantine" To detain and isolate due to suspected zoonosis or other communicable disease or in the interest of public health and safety.
47. "Rabies certificate" means a certificate signed by a licensed veterinarian verifying that an animal is vaccinated against rabies, and which includes the date of immunization, the date that the immunization expires, and the type of vaccine used.
48. "Tether or tethering" means to restrain a dog by tying the dog to any object or structure, including, but not limited to, a house, tree, fence, post, pole, garage, or shed or similar structure or object, by any means, including, but not limited to, a chain, rope, cord, leash, or running line. "Tethering" shall not include using a leash to walk a dog.
49. "Riding school or stable" Any place, which has available for hire, boarding and/or riding instruction, any horse, donkey or mule.
50. "Sanitary" Any condition of good order and cleanliness.
51. "Service Animal" means as defined in 28 C.F.R.35.104 and 28 C.F.R. 36.104, including a domesticated trained dog, that is owned in order to assist an individual with a disability. Examples of service animals are dogs that are individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other mental disability. Tasks performed can include, among other things, pulling a wheelchair, retrieving dropped items, alerting a person to a sound, reminding a person to take medication, or pressing an elevator button. Emotional support animals and comfort animals are not service animals. The work or tasks performed by a service animal must be directly related to the individual's disability. To be a service animal, there is no requirement for certified documentation of training or designation; it is the task for which the animal provides disability assistance which is determinative of whether an animal is a "service animal". Conversely a doctor's letter does not turn an animal into a service animal.
52. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for surgery, wellness program, boarding, diagnosis and treatment of diseased and injured animals.
53. A "vicious animal" means any 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 attacked or bitten person or animal is legally entitled to be, shall be prima facie evidence that an animal is vicious and there is a rebuttable presumption that the attacking animal is a vicious animal.
54. "Wild animal" or "exotic pet" means any live monkey (non-human primate), raccoon, skunk, fox, snake, leopard, panther, tiger, lion, lynx, coyote, wolf, crocodilian, any monitor exceeding three (3) feet in overall length or any animal which can normally be found in the wild state or any hybrid thereof. Venomous and poisonous animals shall be prohibited in the city limits of Casper, regardless of species or purpose.

55. "Working day" means a day that the Metro Animal Services Shelter is open to the public.

56. "Ungulate" means a hoofed mammal.

57. "Zoological garden" means any facility, other than a pet shop or kennel, displaying or exhibiting one or more of non-domesticated animal(s) by a person, partnership, corporation or government agency.

6.04.020 - Dog and cat licensing requirements.

A. It is unlawful for any person owning, keeping, harboring or having custody of any dog or cat over six months of age, within the City of Casper, not to obtain a license as provided for in this chapter for the dog or cat. This requirement will not apply to a non-resident keeping a dog or cat within the City limits for a period of less than sixty (60) days. The requirement does not apply to service animals.

B. Dogs and cats must wear valid license tags at all times when off the premises of the owner.

C. Application for licenses shall be made to the licensing authority, which shall include name and address of the applicant, description of the animal, the appropriate fee, and a certificate to verify that the animal has been vaccinated against rabies by a licensed veterinarian, to include a description of the vaccine used, the date administered and the expiration date of the vaccine.

D. The license shall be valid for one (1) year from the date of issuance, the license fee must be paid upon issue or renewal and is not transferrable.

E. Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag, stamped with an identifying number and the calendar year of issuance.

F. A license shall be issued after payment of a license fee as established by resolution of the City Council.

G. A duplicate tag may be obtained upon payment in accordance with the fee resolution.

H. No person shall use any license for any dog or cat other than the dog or cat for which it is issued.

6.04.035 - Dog exhibition, show and training permit.

A. Any responsible individual may apply in writing for a dog exhibition, show and/or training permit, at the Recreation Division office. Subject to the conditions provided in this section, such permit authorizes the holder and those under his or her control and supervision, to utilize those city parks which are otherwise off-limits to dogs not under physical restraint, for the purpose of exhibiting, showing and/or training dog(s) without physical restraint. The issuance of any such permit is conditioned upon the following:

1. The applicant assumes responsibility for all handlers and dogs which are present in the park pursuant to the authority of the permit;

2. To be effective, a permit shall be kept on the person of the applicant and the applicant shall remain in the park at all times during which dogs are present pursuant to the authority of the permit;

3. An applicant shall submit with the permit application, an administrative fee of Five Dollars (\$5.00) for each event for which the permit is to be effective, with a maximum of Twenty-five Dollars (\$25.00) per year, together with a cleaning and damage deposit of Fifty Dollars (\$50.00) per event. An "event" is defined as an activity lasting not more than three (3) consecutive days. The cleaning and damage deposit shall be refunded to the applicant only if the area used pursuant to the authority of the permit is cleaned as provided in subdivision (5)(iii), and not damaged as provided in subdivision (5)(ii);

4. The applicant's recognition that such a permit does not entitle the holder to the exclusive use of the park, however, specific areas designated within the permit do entitle the holder to exclusive use of those designated areas.

5. The applicant's agreement:

i. Not to allow any dog which is unrestrained under authority of the permit, to harass or molest any other animal or person using or present in the park,

ii. Not to allow any dog which is present under the authority of the permit, to damage or destroy any public or private property located in the park, or the park itself,

iii. To clean up and properly dispose of any waste deposited in the park by the dogs which are present pursuant to the authority of the permit, prior to leaving the park,

iv. To personally indemnify and hold the City harmless for any damage or destruction caused by dogs which are present in the park pursuant to the authority of the permit,

v. To maintain or ensure control over all dogs which are present in the park pursuant to the authority of the permit;

6. The absence of any violations of this code section by the applicant during the twelve-month period immediately preceding the date of application;

7. The absence of any previously scheduled event in the park which could be incompatible with the use applied for by the applicant.

B. An applicant's failure to abide by any permit condition, or the making of any false statement by an applicant on an application, is a violation of this section and upon conviction is punishable by a fine of up to Seven Hundred Fifty Dollars (\$750.00) and/or incarceration for up to six (6) months.

C. Exhibitions, shows, and training events sponsored by the city shall not require a permit as provided in this section.

D. Permit applications shall be in substantially the following form:

Dog Exhibition, Show, and/or

Training Permit Application

The undersigned applicant applies for a Dog Exhibition, Show, and/or Training Permit as provided by Casper Municipal Code Section 6.04.035, a copy of which is reproduced on the reverse of this application. The applicant agrees to the conditions set forth in said Code section and represents that the following information is accurate in all respects:

1. Date of application; and

2. Name and street address of applicant; and

3a. Date(s) for which permit is sought; and

3b. Park for which permit is sought;

4. Approximate number of dogs expected at event;

5. Month and year of violation of Section 6.04.035 by the applicant.

**WARNING: ANY FALSE INFORMATION PROVIDED ON THIS APPLICATION OR FAILURE TO ABIDE BY THE CONDITIONS SET FORTH IN MUNICIPAL CODE SECTION 6.04.035 (SEE REVERSE), IS PUNISHABLE BY A FINE OF UP TO \$750.00 AND INCARCERATION FOR UP TO SIX MONTHS.**

6.04.040 - Keeping of pets, livestock or fowl; limitations.

(A) Number permitted.

1. It shall be unlawful for any person to keep more than three cats and three dogs on any premises within the City limits of Casper, except kennels and catteries will be allowed in the City only in areas properly zoned for this type of business.

2. No fowl or livestock shall be kept on any lot or tract of land located in a residentially zoned area of the City; this applies to any and all ungulates.

3. No more than ten (10) of any other pet shall be permitted on a single premises, excluding fish, rodents and small cage birds.

(B) Fencing Requirements.

1. Unless otherwise provided, where fencing is required by this chapter, it shall be at least three (3) feet in height and constructed of a material sufficient to confine the animal.

2. Escape of an animal covered by this chapter shall be presumptive evidence that the owner's fence does not sufficiently control the animal.

6.04.050 – Beekeeping.

A. Definitions. The following words, terms and phrases, when used in this section, shall have the following meanings ascribed to them.

1. "Apiary" shall mean a place where bee colonies are kept.

2. "Bee" shall mean any stage of the common domestic honey bee, *Apis Mellifera* species.

3. "Colony" shall mean a hive and its equipment and appurtenances, including bees, comb, honey, pollen, and brood.

4. "Hive" shall mean a structure intended for the housing of a bee colony.

B. Hives. All bee colonies shall be kept in inspectable-type hives with removable combs, which shall be kept in sound and usable condition as described in Wyoming Statutes, Title 11.

C. The applicant shall comply with State Regulations regarding the keeping of bees.

D. Setback. All hives shall be located at least ten feet from any adjoining property with the back of the hive facing the nearest abutting private property lines. Hives may be located on the property line abutting alleyways.

E. Fencing of Flyways. In each instance in which any colony is situated within twenty-five feet of a developed public or private property line of the tract upon which the apiary is stated, as measured from the nearest point on the hive to the property line. The beekeeper shall establish and maintain a flyway barrier at least six feet in height, consisting of a solid wall or fence parallel to the property line, and extending ten feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least six feet above ground level over the property in the vicinity of the apiary.

F. Water. Each beekeeper shall ensure that a convenient source of water is available at all times to the bees, so that the bees will not congregate at swimming pools, bib cocks, pet water bowls, birdbaths or other water sources where they may cause human, bird, or domestic pet contact. The water shall be maintained so as not to become stagnant.

G. Any bee colony not residing in a hive structure intended for beekeeping, or any swarm of bees, or any colony residing in a standard or homemade hive which, by virtue of its condition, has obviously been abandoned by the beekeeper, is unlawful and may be summarily destroyed or removed from the city by the city manager or his designee.

H. Violation of the regulations set forth can be grounds for seizure of the bees and criminal prosecution by citation or summons in the Casper Municipal Court. The keeping by any person of bee colonies in the city not in strict compliance with this section is prohibited.

6.04.070 - Animals for commercial purposes—Inspection.

It shall be a condition of the issuance of any permit to any owner of animals kept for commercial purposes that the inspectors of the City-county Health Department shall be permitted to inspect all animals and the premises where animals are kept upon reasonable notice to the owner, and the City Clerk shall, if such permission for inspection is refused, revoke the permit of the owner.

6.04.080 - Fees—Disposition and use.

All license fees, impoundment fees, adoption fees and other revenue received by MAS shall be deposited with the City in a fund for the sole purpose of defraying the expenses associated with the operation of the Metro Animal Services shelter.

6.04.090 - Animal waste—Owner responsibility.

A. It shall be the responsibility of the owner of a dog, cat or other animal to keep his/her property reasonably free and clear of feces and urine to prevent offensive odors or unsanitary conditions in the enclosures or the surrounding areas where the animal are allowed. There shall not be an unreasonable number of flies and there shall be no maggots. Discarding feces on any public or private property shall be considered a violation of this section.

B. The owner of every dog, cat, or other animal is responsible for the removal of any excreta deposited by his/her animal on public walks, recreation areas, or private property other than that of the owner; however, this requirement shall not apply to an owner who is visually or physically handicapped to the extent that the person is incapable of, or at physical risk, in complying with this subparagraph.

C. The owners and/or occupiers of property are responsible for the removal of any excreta deposited on public walks, ways and areas by birds occupying or roosting on the owner or occupier's property.

6.04.100 - Animals at Large—Prohibited and Impoundment

It is unlawful for any domesticated animal to be “at large”.

A. An animal’s owner violates the animal “at large” prohibition if the owner permits or does not reasonably prevent the animal from becoming “at large.”

B. Animal protection officers have the authority to take possession of and impound any animal at large. When in pursuit of any animal at large, the officer may go onto private property, exclusive of buildings, and take such animal into possession for impoundment.

C. No person may capture, restrain, harbor or take possession of an animal not owned by such person, unless the person shall notify or deliver the animal to the Metro Animal Services within twenty-four (24) hours. Metro Animal Services will make every attempt to identify and notify an owner and either impound the animal or complete a found report. This does not apply to persons who take possession of an animal at the owner's request.

D. If an animal is impounded at the Metro Animal Shelter, with a valid license attached to its collar, or if the animal is micro-chipped or has another form of identification the Metro Animal Services staff will attempt to notify the owner by phone or by mail or personal delivery to the last known address listed on the license application, or micro-chip registration log or other identification located on the animal. If an animal has been held at MAS for more than seven (7) days, the animal may be placed for adoption or humanely euthanized if not reclaimed within seven (7) days, unless the Director or his/her designee determines it is inhumane or unsafe to harbor such animal.

E. Animals that are at large, do not bear identification and are subsequently impounded at the Metro Animal Shelter shall be held no less than seven (7) working days from the date of impoundment, unless the Director or his/her designee determines it is inhumane or unsafe to harbor such animal.

6.04.120 - Animal Services Shelter duties and records.

A. The Animal Services Shelter which is notified, or to which an animal is delivered, shall keep a record of each animal, giving a description, the date of impoundment or notification, and the disposition of the animal.

B. Metro Animal Services is not required to release the names of adopters of unclaimed stray animals. MAS is also not required to release the names of owners who relinquish ownership of their animal.

6.04.130 - Animals surrendered for adoption—Holding period.

Any animal surrendered by its owner to the Metro Animal Shelter shall be held no less than three (3) working days, providing the animal is healthy and adequate kennel space is available.

6.04.140 - Impounded animals—Time for reclaiming.

A. In the event the owner does not claim an animal within the time period prescribed in this section and Sections 6.04.100, 6.04.130 and 6.04.150, the owner abandons all rights of ownership to such animal.

B. Any animal not reclaimed by its owner within the time period prescribed in the sections cited above shall be deemed abandoned, and shall be placed for adoption, or humanely euthanized.

C. No animal surrendered to a municipal animal shelter will be released for research purposes.

6.04.150 - Impounded animals—Release conditions.

A. The owner of an impounded animal shall pay the Metro Animal Services reclaim fee, as established by resolution of the city council.

B. Metro Animal Services may release an impounded animal to its owner if:

1. The owner presents a valid form of identification;
2. The owner presents evidence that the dog or cat is licensed. If the animal is not licensed, the owner must purchase a license;
3. The owner pays the fees associated with the impoundment, as set forth by resolution.
4. The owner may designate a representative to reclaim their animal when:
  1. the representative presents a valid form of identification.
  2. the representative pays the fees associated with the impoundment, as set forth by resolution.
  3. the representative may have written authorization from the owner of the animal granting permission to the representative to reclaim the animal on behalf of the owner, or the owner may contact MAS , or an APO if the owner is out of town or incapacitated and give verbal authorization.

C. Metro Animal Services may release an animal to a person other than the owner or humanely euthanize such animal if:

1. The owner does not claim an impounded animal within the time periods prescribed in this section and Sections 6.04.100, 6.04.130, 6.04.140, 6.04.210 and 6.04.250.
2. When an animal becomes available for adoption, the person who is adopting the animal must sign a statement agreeing to license the animal, vaccinate the animal against rabies, unless the animal has a valid rabies certificate. The person who adopts the animal must agree to have it spayed or castrated in accordance with the adoption agreement at the owner's expense. Failing to comply with the terms of the adoption contract will constitute violation of this section. Any owner who fails to fulfill the terms of any adoption will be denied future adoptions from MAS, until the owner is in compliance. If there is a medical reason the animal cannot be spayed or castrated, the owner shall be required to furnish MAS with corresponding documentation from a licensed veterinarian.
3. The person to whom the animal is released, pays any associated fees as set by resolution.

6.04.160 - Animals at large—Citation of violation when.

In addition to, or in lieu of impounding an animal found at large, the animal protection officer or police officer may issue to the known owner (or his/her agent) of such animal a citation or notice

of ordinance violation. A criminal warrant may be initiated if the owner or his/her agent fails to appear as stated in the citation or notice, or fails to post an appropriate bond in lieu of appearing.  
6.04.170 - Vaccination and rabies control—Animal bites.

A. The owner of a dog or cat shall have the dog or cat vaccinated against rabies when the dog or cat reaches six (6) months of age. If the owner obtains the dog or cat, or brings the dog or cat into the Metro Animal Services District after the dog or cat reaches six (6) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat was obtained or brought into the Metro Animal Services District, unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date that the immunization expires, as stated on the certificate of vaccination.

B. The owner shall pay the cost of the rabies vaccination.

C. A law enforcement officer, an animal services officer, or a county health officer or his/her designee may order an animal quarantined if the officer has reason to believe the animal bit a person, is infected with rabies, or has been in contact with a high risk rabies vector animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may euthanize the animal. The officer may euthanize the animal only as a last resort, or if the owner agrees. The officer shall attempt to euthanize the animal in a humane manner and in a manner which avoids damage to the animal's head. The specimen will be sent to the State Veterinary Lab for testing. In addition, a law enforcement officer, an animal protection officer, or a county health officer or his/her designee may euthanize an animal and have it examined for the purpose of determining whether or not it has been infected with rabies if the animal has not been vaccinated as provided in subsection A of this section, he or she has reason to believe the animal has been exposed to or in physical contact with a high risk rabies vector animal, and he or she has reason to believe the animal has been in physical contact with humans.

D. An officer who orders an animal to be quarantined shall deliver the animal, or shall order the animal delivered, to an isolation facility as soon as possible, but no longer than twenty-four (24) hours after the original order is issued. If the animal is currently immunized against rabies and was not off the premises of the owner at the time of the bite, the officer may order the animal quarantined on the owner's premises.

E. The custodian of an isolation facility, or the owner, shall keep the animal which is ordered to be quarantined in strict isolation under the supervision of a law enforcement officer, an animal protection officer, or a county health officer or his/her designee. Supervision for animals ordered quarantined on the owner's premises shall include examination by a law enforcement officer, an animal protection officer, or a county health officer or his/her designee within twenty-four (24) hours of the bite and on the tenth (10<sup>th</sup>) day of quarantine, if the animal has not exhibited any symptoms of rabies, the animal will be examined by a veterinarian and, upon the veterinarian's clearance, shall be released from quarantine.

F. A licensed veterinarian, a law enforcement officer, an animal protection officer, an employee at MAS or a county health officer or his/her designee determines that an animal exhibits symptoms of rabies during the quarantine period, the county health department shall be notified, and the county health department or a veterinarian shall be consulted to confirm the symptoms of rabies. If the county health department or veterinarian confirm the symptoms of rabies, the officer who ordered the animal quarantined and/or another APO and/ or the consulting

veterinarian, shall euthanize the animal. If the animal has bitten a person, the county health department shall notify the person and the person's physician.

G. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and/or examination and treatment of the animal by a veterinarian. If the owner is unknown, Metro Animal Services is responsible for these expenses.

H. An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, shall be in violation of this section.

I. Any person having knowledge that an animal has bitten a human shall immediately report that incident to the Casper Police Department or the county health officer, together with the name and address of the person or persons bitten, if known.

#### 6.04.180 - Cruelty to animals—Unlawful acts designated.

It is a violation of this ordinance to inflict cruelty upon an animal as stated herein:

A. No person shall override, overload, drive when overloaded, overwork, torture or torment an animal, or deprive an animal of necessary sustenance.

B. No person shall cruelly beat, mutilate or kill an animal unless specifically authorized by law.

C. No person shall cause, instigate, be a spectator at or permit a dogfight, cockfight, bullfight (bloodless or otherwise), or other combat involving animals.

D. No person shall abandon any animal, but may relinquish the animal and ownership rights in the animal to an animal shelter or other qualified caretaker.

E. No person shall fail to provide his/her animal with sufficient good and wholesome food and clean water, proper shelter to protect it from the weather (including sunlight), veterinary care when needed to prevent suffering, and with humane care and treatment.

F. It is unlawful to annoy, bait, harass, torment or tease any confined or chained animal.

G. Unless specifically authorized by law, no person shall willfully maim or disfigure any domestic or wild animal, 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 animal, except pests of public health concern. The provisions of this section and Sections 6.04.190, 6.04.200, subsections B and C of Section 6.04.210 and Sections 6.04.220 and 6.04.250 do not in any way limit the right of a police officer or animal protection officer to humanly euthanize any wild or domestic animal if such officer determines that there is a reasonable danger to the public safety or if the animal is sick or injured to an extent that humanly euthanizing the animal is the appropriate action to take.

H. No person shall tether a dog while the dog is outdoors, or within any structure that is not the dog owner's home, except when all of the following conditions are met:

1. The dog is in visual range of a responsible party.
2. The tether is connected to the dog by a well fitted, buckle-type collar or a body harness made of nylon or leather, not less than one-inch in width.
3. The dog is tethered in such a manner as to prevent injury, strangulation, or entanglement.
4. The tether shall confine the dog to the owner's property.
5. The dog has access to water, shelter, and dry ground.
6. The dog is at least six months of age. Puppies shall not be tethered.
7. No dog shall be tethered for more than 2 hours in any 24-hour period.



I. The owner of every animal shall be required to provide such animal with sanitary living conditions by timely removing animal waste from an interior or exterior pen, shelter, yard or other keeping area. All animal waste must be disposed of in an approved container.

6.04.190 - Baby animals and fowl.

No person shall sell, offer for sale, barter or give away, ducklings, goslings or rabbits under eight (8) weeks of age, as pets, toys, premiums or novelties, or color, dye or transport the same into the City of Casper . Ducklings and geese younger than eight (8) weeks of age may not be sold in quantities of less than twenty-five (25) to a single purchaser.

6.04.200 - Animals as commercial incentives.

No person shall give away, offer for sale or barter any live animal, fish, reptile or bird as a prize for or as an inducement to enter any contest, game or competition, or as an inducement to enter a place of amusement or business, or offer such vertebrate as an incentive to enter any business agreement whereby the offer was the purpose of attracting trade.

6.04.210 - Animals in motor vehicles—Unlawful acts.

A. No person shall leave a dog unattended in the bed of a pickup truck in a public parking area unless the dog is restrained in such a manner as to prevent the dog from making physical contact with a pedestrian who is passing the truck in a place where that pedestrian is legally entitled to be; if a dog is found to be not restrained as stated, the dog is “at large.”

B. It is considered cruel and therefore unlawful for a person to leave an animal unattended in a motor vehicle with excessive temperatures. When the temperature is sixty (60) degrees Fahrenheit or above, unless, in the opinion of the officer, adequate ventilation and water are provided, there exist the presence of a potential problem and APOs and other law enforcement may undertake investigatory steps and actions appropriate under the circumstances to protect the life of any animal confined in such a vehicle.

C. No person shall carry an animal in a motorized vehicle in an inhumane or unsafe manner.

6.04.220 - Accidents injuring animals.

The driver of any motor vehicle involved in an accident, within the City of Casper resulting in injury to a domestic animal shall immediately and safely stop and render such assistance as is safely possible, and shall take reasonable steps to notify the owner of such animal or give notice of such accident to the Casper Police Department.

6.04.230 - Removal of deceased animals.

A. It shall be the duty of the animal protection officer to remove from the streets, alleys and public places within the Animal Control District deceased animals, excluding livestock, and large wild game animals, unless otherwise agreed with the Wyoming Game and Fish, and shall notify the owner, if known.

B. It shall be the duty of the owner to dispose of his/her own deceased animals from his/her private property.

6.04.240 - Trapping restrictions for dogs and cats.

A. No traps shall be used for the capture of an animal by any person within the City of Casper, other than humane live box traps. Also, no traps shall be set when trap temperatures exceed ninety (90) degrees Fahrenheit or fall below thirty-two (32) degrees Fahrenheit.

B. Animals captured must be turned over to MAS as soon as reasonably possible, or may be returned to the owner, if known.

C. Traps must be checked every four (4) hours unless they are set in such a manner as to provide proper shelter once the animal is confined.

D. Animal control protection officers may go onto private property, exclusive of buildings, to remove a trapped animal.

6.04.250 - Cruelty to animals—Intervention authorized.

A. In addition to the prosecution of violations in this Chapter, an animal protection officer may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his/her presence.

B. A law enforcement officer or an animal protection officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner, and shall deliver such animal to MAS for proper care and placement. In all cases, the owner, if known, shall immediately be notified if the owner or custodian is unknown and cannot, with reasonable effort, be ascertained, or does not, within seven (7) days after impoundment of the animal, it may be treated as abandoned and dealt with as provided in Sections 6.04.100 through 6.04.160, and subsection B of Section 6.04.210.

C. Whenever, in the opinion of any law enforcement officer, animal control protection officer or county health officer (officers), any animal is suffering from distemper, parvo virus or other serious disease, or is severely maimed and suffering from injury, it shall be lawful for such officer to humanely euthanize such animal after consulting with a licensed veterinarian. If the animal is licensed, an attempt to notify its owner shall be made before the animal is euthanized. The above-mentioned officers or designees may humanely euthanize an animal without consulting with a licensed veterinarian or an owner if it is considered an emergency situation, to relieve the animal from undue suffering. The owner thereof shall not recover damages for such animal unless he/she shall prove that euthanasia was unwarranted without reason under the circumstances known to the officers.

6.04.260 – Fowl—Other Than Chickens--Location restrictions.

Ducks, geese or turkeys may be kept and maintained within the Animal Control District only in areas which are properly zoned for such use, or a zoning board of adjustment exception has been allowed. Such exceptions may be granted for organized youth group projects.

6.04.270 - Chicken hens – Enclosure and other limitations.

Chicken hens shall be permitted in association with an occupied single-family residential dwelling/structure as an accessory use, subject to the following regulations:

1. The maximum number of chicken hens permitted shall be six (6).
2. No roosters shall be permitted, with the exception that roosters shall be permitted in the AG (urban agriculture) zoning district.
3. Only chicken hens shall be permitted. Chicken hens may be any breed or crossbreed of chicken. No hybrids will be allowed unless properly zoned, or a conditional use permit has been approved by the Planning and Zoning Commission.
4. Chicken hens shall be provided with a covered, fully enclosed and predator-resistant coop which is adequately ventilated, designed for easy access for cleaning, and shall consist of an enclosed area (may include the pen) of at least five (5) square feet per chicken hen. Chicken hens shall be protected from predators by being enclosed in the coop from dusk until dawn.
5. During daylight hours, the chicken hens shall have access to the coop/pen at all times. If the chicken hens are permitted outside of the coop/pen, then the area which they have access to must be secured, with a minimum of a six foot high privacy fence, and if necessary, wing feathers shall be clipped to prevent the birds from flying and escaping.

6. The coop/pen shall be cleaned and maintained so as not to cause excessive smells or odors, dust, or attract excessive insects or vermin. The frequency of cleaning shall depend on the number of chicken hens, the type of litter, the area of the coop, and the weather. Section 6.04.090 shall apply to the enforcement of chicken waste, to include unharvested eggs, and the owner's responsibilities.

7. No butchering of chickens is permitted within the city limits.

8. Coops and pens 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/pen shall be three (3) feet from the alley.

9. It is unlawful for chicken hens to be at large, as defined in Section 6.04.010. Any chicken hen found to be at large may be taken into possession and impounded by Metro Animal Services, and shall be adopted, rehomed or euthanized if not reclaimed within five (5) working days.

10. Chicken hens shall be provided with access to adequate and fresh water at all times, and in a manner to prevent the water from freezing.

11. No coop shall exceed a footprint of sixty (60) square feet, or shall exceed a height of seven (7) feet at the highest point of the roof.

12. Chicken feed shall be stored in an airtight, metal container to discourage attracting mice, rats, and other vermin.

13. Chicken hens shall be confined in such a fashion as to prevent them from coming into contact with wild ducks or geese or their excrement.

14. The requirements of this section are minimum requirements and do not affect any private controls, including any more stringent regulations or prohibitions on the keeping of chicken hens contained in private covenants. Nothing in this chapter shall affect the authority of any owners' association to adopt and enforce more stringent standards for the keeping of chicken hens, or to prohibit outright the keeping of chicken hens on any property within the jurisdiction of such association.

#### 6.04.280 - Livestock restrictions.

Livestock may be kept and maintained within the Animal Control District only in areas properly zoned for such use provided. However, that for the purpose of loading and shipping any such animal or animals, it shall not be unlawful to keep the same in loading pens, provided that no such animal shall be kept in such pens within the Animal Control District for a period of no more than twelve (12) hours.

#### 6.04.290 – Poisonous/venomous prohibited.

It is unlawful for any person to own or possess any poisonous and/or venomous snake, reptile, or spider. In addition to the penalties provided, the venomous snake, reptile or spider shall be humanely euthanized, unless the court permits an alternative option that will protect the public.

#### 6.04.300 – Vicious animals - indicia.

Indicia of vicious animals includes, but is not limited to, animals that:

- a. Have bitten, attacked, endangered or inflicted injury on a human being on public or private property;
- b. Have injured or killed a domestic animal;
- c. Have interfered with delivery of mail by the United States Postal Service, or other delivery services as attested to by the delivery carrier or witnessed by authorities;
- d. Have followed or chased a person upon the streets, sidewalks, or any public grounds in a menacing fashion or with apparent attitude of attack.

#### 6.04.301 – Vicious and Dangerous Animals – Limitations and Prohibitions.

It shall be unlawful to keep, possess, or harbor a dangerous or vicious animal within City limits as follows:

No person shall have, keep, harbor, or allow to be upon any premises occupied by him/her, or in or under his/her charge or control, any vicious or dangerous animal, or any animal that may manifest a disposition to bite anyone, without having the animal properly restrained to prevent the animal from inflicting damage upon any person or property (See 6.04.302(d) below). When off the premises of its owner, such animal shall be securely caged or muzzled, and restrained by a secure collar and leash not to exceed three (3) feet in length. The leash shall be of sufficient strength to prevent escape and shall be under the direct control of the owner.

#### 6.04.302 Public Safety Measures

(a) If, under the provisions of this section and upon conviction of a person for harboring a vicious dog in violation of this chapter, it shall appear to the court that the dog is living, the court may, in addition to the punishment provided for violation of this chapter order the animal protection officer or any officer to forthwith cause such dog to be humanely euthanized, and for that purpose, and pursuant to the court's order, any such officer charged with such duty shall have the right, pursuant to the court's order, to enter upon any premises within the Animal Control District.

(b) If the court under this subsection does not order an animal destroyed, the owner of the animal shall, within ten (10) days, provide proof to the court that such animal has been permanently marked with an implanted microchip. The microchip shall be implanted under the skin behind the neck, between the shoulder blades and the number registered with Metro Animal Services. Any expenses incurred in connection with microchipping shall be borne by the pet owner or his/her agent. Microchipping shall be done by either a licensed veterinarian or a Metro Animal Services officer.

(c) Any dog, cat or animal of a vicious or dangerous nature found upon any property, public or private, not the premises of the owner may, if such animal cannot be safely taken up and impounded by reasonable means, be euthanized by the animal protection officer or any police officer.

(d) No vicious or dangerous animal shall be unconfined on its owner's premises. A vicious or dangerous animal is "unconfined" as the term is used in this section if the animal is not securely confined indoors or confined in a securely enclosed and locked pen, or upon the premises of the owner. Any pen or run area shall be suitable to confine the animal and to prevent the entry of young children or persons other than the owner of the animal. The pen or run area must have all sides at least six (6) feet high and a secure top. No sides of the pen or run can be part of the perimeter property fence. If the pen or run structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one (1) foot.

(e) Any person owning a vicious or dangerous animal must have the animal spayed or neutered, at the owner's expense, within fifteen days after the animal is found to be vicious or dangerous by a court if the animal is currently not spayed or neutered.

(f) The owner of a vicious or dangerous animal shall notify MAS or the Casper Police Department immediately of the animal's escape or release, that the animal is loose, unconfined, has attacked another animal or human being, has died or has been sold or given away or relocated in any manner. If the vicious animal has been sold or given away, or if the current owner moves, within the jurisdiction of MAS, the owner or keeper shall provide MAS with the name, address and telephone number of the new owner or the new address of the current owner. Upon sale or conveyance, the new owner will be obligated to comply with the requirements of

this section, and the current owner shall be required to comply with the requirements of this section at any subsequent location or residence.

(g) If an animal protection officer has probable cause to believe that a vicious or dangerous animal is being kept, harbored or cared for, in violation of this chapter, the animal protection control officer may seize and impound the animal if it is on property not of the owner or seek a court order to impound the animal until a hearing on the matter may be held or until the owners have built or bought an enclosure to protect the public as provided in this chapter and/or otherwise addressed the court's order.

(h) If a purported vicious or dangerous animal is impounded, the animal shall be held pending trial and disposition of the case and thereafter pursuant to court order, unless the court is convinced that the public will be protected by specified actions ordered by the court or agreed upon by the court and owners.

(i) The owner of a vicious or dangerous animal shall be liable for and shall pay all costs associated with impoundment, removal, care, treatment and potentially euthanasia of said animal.

(j) If the owner of the animal impounded under subsection (a) of this section is not reasonably ascertainable at the time of impoundment, the MAS Manager shall immediately notify the owner by mail sent to the owner's last known address, postage prepaid, which upon the passage of three (3) days be deemed complete service or by personal service upon the last known address, within five (5) business days after the animal's impoundment.

(k) The notice of impoundment shall inform the owner of the animal that the owner may request, in writing, a hearing to contest the impoundment. Upon receipt of the notice of impoundment either through personal service or by mail (receipt is complete three (3) days after mailing to the last known address of owner postage prepaid), the owner has seven (7) business days from personal service or ten (10) business days from date of mailing to request a hearing by serving on the MAS Manager a written request for the hearing.

(l) Upon request by the owner of the animal for a hearing under subsection (k), a hearing must be held within seven (7) business days after receipt of the request. Notice of the date, time and location of the hearing shall be provided by regular mail to the animal owner requesting the hearing, and the animal owner, if an active phone number is available shall be advised that a copy of the notice of hearing may be picked up from MAS or the Court's office. If the owner picks up the notice of hearing the obligation to provide a copy of the notice by regular mail is waived. The impoundment hearing shall determine if the animal poses a risk to public health and safety, as articulated for the definition and description of dangerous and vicious animals herein. The burden of proof for this determination is beyond a reasonable doubt.

(m) The owner must pay all of the cost of the impoundment and must post sufficient funds to cover the anticipated costs for continued impoundment. The owner may also seek the animal's release upon furnishing evidence that precautions are in place, which satisfy the court that the public's safety and welfare will be protected. Failure to post funds sufficient to pay for the costs of impoundment or getting the animal released constitutes a waiver of any rights the owner may have to a hearing under this chapter and the animal may be humanely euthanized.

#### 6.04.303 – Continuation of Dangerous or Vicious Animal Declaration.

Any animal that has been declared dangerous or vicious by any agency or department of this City, another municipality, county, or state shall be subject to the provisions of this Ordinance. The person owning or having custody of any animal designated as dangerous or vicious by any municipality, county, or state government shall notify the Department of Animal Control of the

animal's address and conditions of maintenance within ten (10) days of moving the animal into the City of Casper, Wyoming. The restrictions and conditions of maintenance of any animal declared dangerous or vicious by this City, another municipality, county, or state shall remain in force while the animal remains in the City. No animal declared dangerous or vicious by any other designation agency or department of another municipality, county, or state based solely on size, breed or mix of breeds, shall be subject to this Section.

#### 6.04.305 – Reckless Animal Owner.

(a)(i) Any owner who is found to have violated this Chapter, other than by a violation of Sections 6.04.160, 6.04.180, and/or 6.04.310, three (3) or more times in an eighteen (18) month period, may be declared a reckless animal owner; or

(ii) Any owner who is found to have violated this Chapter, who is found to have violated this Chapter, by violating Sections 6.04.301, 6.04.302, or 6.04.303 two (2) or more times in any three-year period, may be declared a reckless animal owner.

(b) The Municipal Court shall issue a notification of the declaration or Reckless Animal Owner to the person with the following:

(i) name and address of the person subject to the declaration,

(ii) the description, violation, and conviction that led to the declaration,

(c) Once declared a reckless animal owner, pursuant to 6.04.305 (a)(i), above, the city licenses of all animals owned by the person shall be revoked and no new licenses shall be issued for the period of time set by the court, except that the period of license prohibition, to prevent the person from keeping or, possessing an animal shall not exceed a period of one (1) year from the date of the declaration.

(d) Once declared a reckless animal owner, pursuant to 6.04.305 (a)(ii), above, the city licenses of all animals owned by the person shall be revoked and no new licenses shall be issued for the period of time set by the court, except that the period of license prohibition, to prevent the person from keeping or, possessing an animal shall not exceed a period of thirty (30) consecutive months from the date of the declaration.

(e) A person declared to be a reckless animal owner may apply to the Municipal Court to have the no license declaration waived after a period of six months for a declaration made pursuant to 6.04.305(a)(i) and for a period of twelve (12) months for a declaration made pursuant to 6.04.305(a)(ii) upon meeting the following conditions:

(i) The person has no subsequent violations of this Chapter of the Code, and

(ii) The person has complied with all of the provisions of this act, since the courts declaration,

and (iii) The person provides proof to the Municipal Court of successful completion of a program designed to improve the person's understanding of animal ownership responsibilities and based upon an interview with the Court, establishes that understanding.

(iv) If the Court finds clear and convincing evidence that the person has complied with all conditions in this subsection, the Court may rescind the reckless owner declaration subject to conditions that can help to ensure no future violations. The person must provide clear and convincing proof that ownership of an animal in the future will be handled responsibly and not in violation of any law or ordinance.

#### 6.04.310 - Public nuisance.

A. No owner or person in charge of any dog or cat, or group of dogs and/or cats shall fail to exercise proper care and control of such animal or animals to prevent them from becoming a public nuisance, as defined in Section 6.04.010.

B. For the purposes of this section or a conviction hereunder, it shall not be necessary to demonstrate which animal in a group of animals has created a public nuisance as defined in Section 6.04.010.

6.04.320 - Breaking into animal services shelter prohibited.

It is unlawful for any person to break into the animal services shelter, or vehicle, or turn loose or otherwise release any animal impounded therein, or hinder, destruct or prevent the animal control protection officer from impounding any animal liable to be impounded.

6.04.325 - Police canine exclusions, exemptions.

Police canines working on duty with law enforcement personnel are excluded from Sections 6.04.010(7), 6.04.010(19) and 6.04.010(23); and are exempted from Sections 6.04.170(C) through (G) and (I) and (J), and 6.04.300.

6.04.330 - Enforcement—Police department authority.

The provisions of this chapter shall be enforced by sworn officers of the city police department and/or animal protection officers. It is unlawful, and a violation of this chapter, to interfere with an animal protection officer in the performance of his/her duties, or to fail to obey the lawful order of an animal protection officer.

6.04.340 - Violation—Citation and notice to appear.

Whenever an animal protection officer observes or has reasonable cause to believe that a person has violated one or more provisions of this chapter, such officer is authorized to prepare one or more written citations containing a notice to appear in municipal court. The citations, at a minimum, shall be written on a form which notifies the person of the offense with which he is charged, and the time and place where the person must appear to answer to the charge.

6.04.350 - Citation—Deemed complaint when—Disposition.

Every animal protection officer, upon issuing a citation herein authorized, shall deposit the original of the citation with the municipal court, and shall issue a copy of the same to the person against whom the violation is charged. Upon deposit of the original citation with the court, the citation may be disposed of only by trial in court or other official action by the judge of the court, which may include forfeiture of the bail, or by the deposit of sufficient bail with, or payment of a fine to the municipal court by the person to whom the citation was issued by the animal protection officer. When the citation is sworn to, as required under the general laws of the state in respect to a complaint charging a commission of the offense alleged in the citation to have been committed, then the citation, when filed with the municipal court, shall be deemed a lawful complaint for the purpose of prosecution under this chapter.

6.04.360 - Violation—Penalty.

A. For the purpose of this section, a "conviction" means a finding of guilt by the court after trial, or a plea of guilty or *nolo contendere* to the offense charged.

B. Any person who violates any of the provisions of this chapter, except 6.04.301, 6.04.302, 6.04.303, shall be deemed guilty of a misdemeanor, and upon conviction may be punished by a fine of up to Seven Hundred and Fifty Dollars. (\$750.00).

C. Any person who violates any of the provisions of Sections 6.04.301, 6.04.302 and 6.04.303, shall be deemed guilty of a misdemeanor, and upon conviction may be punished by a fine of up to Seven Hundred Fifty Dollars (\$750.00) or six months in jail or both.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF CASPER, WYOMING:

That the Casper City Council, having determined that the Animal Care and Control Ordinance within the Casper Municipal Code, Chapter 6.04 shall be further defined and that the Chapter be repealed and replaced with the above.

This Ordinance shall become effective on March 12, 2019.

PASSED on 1<sup>st</sup> reading the 22<sup>nd</sup> day of January, 2019.

PASSED on 2<sup>nd</sup> reading the 5<sup>th</sup> day of February, 2019.

PASSED, APPROVED AND ADOPTED ON 3<sup>rd</sup> and final reading the 19<sup>th</sup> day of February, 2019.

10.A ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 3-19 AMENDED

AN ORDINANCE AMENDING SECTION 10.24.010 OF THE CASPER MUNICIPAL CODE PERTAINING TO THIRTY MILE PER HOUR SPEED ZONES NEAR THE WYOMING MEDICAL CENTER.

Councilmember Walsh presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Freel. Individuals addressing the Council were: Dennis Steensland, 533 S. Washington, requesting further information on the changes; Drina Niegisch, 2255 Crescent; in support of the changes; and Diana Deshno, 1022 N. Jefferson, asking if speeding or poor driving was causing accidents in this area. Councilmembers Walsh, Huber, Freel, and Hopkins spoke on the matter. Motion passed.

10.B ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE NO. 4-19

AN ORDINANCE APPROVING A ZONE CHANGE FOR LOTS 4, 5 AND 6, BLOCK 19, WYOMING INDUSTRIAL PARK ADDITION SUBDIVISION IN THE CITY OF CASPER, WYOMING.

Councilmember Hopkins presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Pacheco. There being no one to speak regarding the ordinance, and no discussion or amendments, motion passed.

10.C ORDINANCE— SECOND READING

Following ordinance read:

ORDINANCE No. 2-19

AN ORDINANCE AMENDING CHAPTER 5.08 OF THE CASPER MUNICIPAL CODE.

Councilmember Huber presented the foregoing ordinance for approval, on second reading. Seconded by Councilmember Bates. No citizens addressed Council. Moved by Councilmember Freel, seconded by Councilmember Pacheco to amend the ordinance by striking the over-serving clause, replacing it with server training requirements, changing the fines for the offenses and adding suspension as punishment for the fourth offense. Moved by Councilmember Huber, seconded by Councilmember Johnson to amend the proposed amendment to set each fine “up to” the dollar amount proposed, to allow



judge discretion. Council discussed this amendment. A vote on the amendment to the amendment resulted in Councilmember Bates and Hopkins voting nay. Motion passed. Council then discussed the matter further. Motion to the amended amendment passed. Moved by Councilmember Freel, seconded by Councilmember Bates to amend the ordinance by adding owners/partners/etc. to the list of those as agents of the licensee or permit holder in the over-serving section. Council then discussed at length the matter of volunteers that serve at events or under special circumstances and the best manner to ensure that they don't over-serve. Councilmember Johnson voted nay on the motion, as amended twice. Motion passed.

11. CONSENT RESOLUTIONS

The following resolutions were considered, by consent agenda:

RESOLUTION NO. 19-24

A RESOLUTION AUTHORIZING A CONTRACT FOR OUTSIDE-CITY SEWER SERVICE WITH MARK W. AND SUSAN E. KERNS.

RESOLUTION NO. 19-25

A RESOLUTION AUTHORIZING AN AGREEMENT WITH ALTITUDE RECYCLING EQUIPMENT, LLC., FOR THE PROCUREMENT AND INSTALLATION OF BALING SYSTEM AT THE CASPER SOLID WASTE FACILITY PROJECT NO. 18-059.

RESOLUTION NO. 19-26

A RESOLUTION APPROVING AND ACCEPTING A PUBLIC SIDEWALK EASEMENT FROM NATRONA COUNTY SCHOOL DISTRICT NO. 1 FOR INSTALLATION OF A SIDEWALK OUTSIDE CITY OF CASPER RIGHT-OF-WAY.

RESOLUTION NO. 19-27

A RESOLUTION AUTHORIZING AN AGREEMENT WITH POLISHED CONCRETE OF WYOMING FOR THE CITY HALL LOBBY FLOORING PROJECT NO. 19-006.

RESOLUTION NO. 19-28

A RESOLUTION AUTHORIZING AN AGREEMENT WITH WESTERN PLAINS LANDSCAPING, LLC, DBA 3 CORD CONSTRUCTION, FOR THE CASPER SOLID WASTE FACILITY LANDFILL COMPACTORS BUILDING, PROJECT NO. 18-074.

RESOLUTION NO. 19-29

A RESOLUTION AUTHORIZING THE EXECUTION OF AN M-54 UTILITY LICENSE WITH THE WYOMING DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF A 1.25-INCH LOW PRESSURE SANITARY SEWER SERVICE LINE FOR 5700 SOUTH POPLAR STREET.

RESOLUTION NO. 19-30

A RESOLUTION AUTHORIZING A CONTRACT WITH POLICE FACILITY DESIGN GROUP, PA TO DESIGN AND DEVELOP BUILDING DESIGNS FOR A NEW CASPER POLICE DEPARTMENT HEADQUARTERS AND FIRE-EMS ADMINISTRATION & HEADQUARTERS STATION NO. 1.

Councilmember Johnson presented the foregoing seven (7) resolutions for adoption. Seconded by Councilmember Hopkins. Motion passed.

12. MINUTE ACTION – CONSENT

Moved by Councilmember Walsh, seconded by Councilmember Bates, to, by consent minute action, acknowledge the receipt of financial disclosure information from City Officials with public fund investment responsibility; authorize the purchase of one (1) new 2020 Mack tandem axle plow truck with salt sand spreader from CMI TECO, in the total amount of \$191,199; and authorize \$21,900 in health, social and community services cash funding to support the community promotions events, and authorize the City Manager to sign the agreements with each organization. Motion passed.

13. INTRODUCTION OF MEASURES AND PROPOSALS

Councilmember Bates provided a brief update.

14. ADJOURN INTO EXECUTIVE SESSION

At 8:44 p.m., it was moved Councilmember Pacheco, seconded by Councilmember Freel, to adjourn into executive session to discuss litigation. Councilmember Johnson voted nay. Motion passed. Council moved into the Council meeting room. At 9:14 p.m., it was moved by Councilmember Johnson, seconded by Councilmember Lutz, to adjourn the executive session. Council returned to the Council Chambers.

15. ADJOURNMENT

At 9:15 p.m., it was moved by Councilmember Hopkins, seconded by Councilmember Walsh, to adjourn the regular Council meeting. Motion passed.

ATTEST:

CITY OF CASPER, WYOMING  
A Municipal Corporation

\_\_\_\_\_  
Fleur D. Tremel  
City Clerk

\_\_\_\_\_  
Charles Powell  
Mayor