

TITLE 4

POLICE REGULATIONS

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CHAPTER 1

GENERAL OFFENSES

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4-1-1: ABANDONED REFRIGERATORS, CONTAINERS:

It shall be unlawful for any person to leave or permit to remain outside of any dwelling, building or other structure, or within any unoccupied or abandoned building, dwelling or other structure under his control, in a place accessible to children, any abandoned, unattended or discarded icebox, refrigerator, vehicle or other container which has an airtight door or lid, snaplock or other locking device, which may not be released from the inside, without first removing the door or lid, snaplock or other locking device from such icebox, refrigerator or container. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-2: ENTICING FEMALES AND PUBLIC INDECENCY:

- A. Enticing Females: Whoever entices or takes away any female of good respect for chastity from wherever she may be to a house of ill fame or elsewhere for the purpose of prostitution, shall be guilty of a misdemeanor for each and every offense. (Ord. 93, 9-20-1909; amd. 2003 Code)
- B. Public Indecency: A person is guilty of public indecency if, while in a public place where he or she may reasonably be expected to be viewed by others, he or she:
1. Performs an act of "sexual intrusion", as defined by Wyoming Statutes subsection 6-2-301(a)(vii); or
 2. Exposes his or her "intimate parts" as defined by Wyoming Statutes subsection 6-2-301(a)(ii); or
 3. Engages in "sexual contact", as defined by Wyoming Statutes subsection 6-2-301(a)(vi), with the intent of arousing the sexual desire of himself or another person. (2003 Code)

4-1-3: ASSAULT AND BATTERY:

- A. Assault: A person is guilty of simple assault if, having the present ability to do so, he unlawfully attempts to cause bodily injury to another.
- B. Battery: A person is guilty of battery if he unlawfully touches another in a rude, insolent or angry manner or intentionally, knowingly or recklessly causes bodily injury to another.
- C. Penalty:
1. Assault: Except as provided by subsection C3 of this section, simple assault is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00).
 2. Battery: Battery is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). Notwithstanding any other provision of law, the term of probation imposed by a judge under this subsection, together with any extension thereof, shall in no case exceed one year.

3. Household Member: A "household member" as defined by Wyoming Statutes section 35-21-102 who is convicted upon a plea of guilty or no contest or found guilty of simple assault against any other household member, after having been convicted upon a plea of guilty or no contest or found guilty of a violation of Wyoming Statutes subsections 6-2-501(a), (b), (e) or (f), and sections 6-2-502, 6-2-503, 6-2-504 or other substantially similar law of this or any other state, tribe or territory against any other household member, is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). (2003 Code)

4-1-4: HARMING PROPERTY OF ANOTHER:

No person, unless he shall have a permit therefor from the governing body, shall cut, break or in any way injure or deface any tree, shrub, plant, flower or turf, or any building, fence, bridge or other structure, or any street, alley, curb, or gutter, water or sewer line or sewer intake, or any tools, equipment, or anything whatsoever, that has been planted, built, constructed, installed, or is maintained by, or is the property of the municipality. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-5: CAMPING:

No person shall camp within the municipality other than at a regularly established and maintained area set aside for camping by the governing body. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-6: CROSSING LAWNS; TYING ANIMALS TO TREES:

A. Crossing Lawns: No person shall walk, run, ride or in any other manner cross over or upon any lawn, garden or otherwise improved lot, whether enclosed or not, without permission of the owner or occupant thereof.

B. Destroy, Mutilate Or Tie Animals To, Or Mutilate Trees: No person shall, without permission of the owner of the tree, destroy or mutilate or tie any animal to any growing tree or to the boxing around a tree. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-7: DISCHARGING FIREARMS, FIREWORKS:

A. Firearms: No person shall fire or discharge any cannon, gun, fowling piece, pistol, air gun, BB gun, revolver or firearm of any description. (Ord. 386, 8-4-1975, eff. 8-4-1975; amd. 2003 Code)

B. Fireworks: No person shall fire, explode or set off any squib, firecracker, or other thing containing powder or other explosive material. The town council may, at its discretion, allow the discharge of fireworks on July 4 and other events as requested. (Ord. 386, 8-4-1975, eff. 8-4-1975; amd. 2003 Code; Ord. 549, 8-7-2006)

4-1-8: **DISORDERLY CONDUCT**¹:

1. Disorderly Conduct Enumerated: A person shall be deemed guilty of disorderly conduct if he wilfully:
 1. Commits an act in a violent and tumultuous manner toward another whereby the property of any person is placed in danger of being destroyed or damaged.
 2. Causes, provokes or engages in any fight, brawl or riotous conduct so as to endanger the life, limb, health or property of another.
 3. Incites, attempts to incite, or is involved in attempting to incite a riot. For the purposes of this section, the term "riot" shall mean a tumultuous disturbance of the peace by persons assembled and acting with a common intent to the terror of the people of the municipality, either in executing a lawful enterprise in a violent or turbulent manner or in executing an unlawful enterprise in a violent or turbulent manner.
 4. Obstructs, either singly or together with other persons, the flow of vehicular or pedestrian traffic and refuses to clear such public way when ordered to do so by the police or other lawful authority known to be such.
 5. Damages, befouls or disturbs public property or the property of another so as to create a hazardous, unhealthy or physically offensive condition.
 6. Fails to obey a lawful order to disperse by a police officer, when known to be such an official, where one or more persons are

1. WS ' 6-1-102 et seq., and ' 15-1-103(a) (xv) .

committing acts of disorderly conduct in the immediate vicinity, and the public health and safety is imminently threatened.

7. Resists or obstructs the performance of duties by police or any other authorized official of the municipality, when known to be such an official.
 8. Commits an act in a violent and tumultuous manner toward another whereby that other is placed in danger of his life, limb or health.
 9. Interferes with another's pursuit of a lawful occupation by acts of violence.
 10. Uses abusive, profane or obscene language in any public place.
2. Prohibited: It shall be unlawful for any person to be guilty of disorderly conduct. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-9: DISRUPTING ASSEMBLAGES:

- A. Lawful Assembly: No person shall disturb any lawful assemblage of people by rude, boisterous or indecent behavior or otherwise.
- B. Religious Worship: No person shall annoy or disturb any congregation or assembly, gathered together for religious worship, by making a noise, by rude or indecent behavior, or, profane discourse, within the place wherein such congregation or assembly is gathered together or so near the same as to be heard by or tending to disturb the persons so engaged or assembled. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-10: DRIVING UNDER INFLUENCE²:

- A. Alcohol:
 1. Prohibited: It is unlawful for any person who is under the influence of intoxicating liquor to a degree which renders him incapable of safely driving a motor vehicle, to drive or have actual physical control of any vehicle within this state.

2. WS ' 31-5-233.

2. Blood Alcohol; Presumptions: Upon the trial of any criminal action or proceeding arising out of acts alleged to have been committed by any person while driving a vehicle while under the influence of intoxicating liquor, the amount of alcohol in the person's blood at the time alleged as shown by chemical analysis of the person's blood, urine, breath or other bodily substance shall give rise to the following presumptions:
 - a. Less Than Five One-Hundredths Of One Percent: If there was at that time five one-hundredths of one percent (0.05%) or less by weight of alcohol in the person's blood, it shall be presumed that the person was not under the influence of intoxicating liquor;
 - b. In Excess Of Five One-Hundredths Of One Percent: If there was at that time in excess of five one-hundredths of one percent (0.05%) but less than eight one-hundredths of one percent (0.08%) by weight of alcohol in the person's blood, such fact shall not give rise to any presumption that the person was or was not under the influence of intoxicating liquor, but such fact may be considered with other competent evidence in determining whether the person was under the influence of intoxicating liquor to a degree which rendered him incapable of safely driving a motor vehicle;
 - c. Eight One-Hundredths Of One Percent Or More: If there was at that time eight one-hundredths of one percent (0.08%) or more by weight of alcohol in the person's blood, it shall be presumed that the person was under the influence of intoxicating liquor to a degree which rendered him incapable of safely driving a motor vehicle;
 - d. Basis Of Percentage: Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters (100 cc) of blood;
 - e. Other Evidence: The foregoing provisions of this subsection A2 shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether the person was under the influence of intoxicating liquor.

- B. Controlled Substance Or Combination Of Alcohol And Drugs: It is unlawful for any person who is under the influence of any controlled substance or under the combined influence of alcohol and any controlled substance, to a degree which renders him incapable of safely driving a vehicle, to drive a vehicle within this town. The fact that any person charged with a violation of this subsection is or has been entitled to use the controlled substance under the laws of this

state shall not constitute a defense against any charge of violating this subsection.

C. Violation; Penalty:

1. First Conviction: Except as provided in subsection D of this section, a person convicted of violating this section is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00).
2. Subsequent Conviction: On a subsequent conviction within five (5) years after a conviction for a violation of this section or other law prohibiting driving while under the influence, he shall be punished by a fine of not less than five hundred dollars (\$500.00) nor more than seven hundred fifty dollars (\$750.00).
3. Alcohol Education Or Treatment Program: The judge may suspend part or all of the sentence under this subsection if the defendant agrees to pursue and completes an alcohol education or treatment program as prescribed by the judge.

D. Driver's License Suspended: Any person convicted under this section or a municipal ordinance which substantially conforms to the provisions of this section shall, in addition to the penalty imposed, have his driver's license suspended or revoked pursuant to Wyoming Statutes section 31-7-127 or 31-7-128. The court shall forward to the department a copy of the record pertaining to disposition of the arrest or citation.

E. Penalties: Upon conviction, the defendant shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 477, 8-7-1989; amd. 2003 Code)

4-1-11: **ERECTION OF DANGEROUS FENCES:**

It shall be unlawful for any person to erect or maintain upon residential property within the town of Basin, any barbed wire fence, electric fence, hedge or fence of any other nature which is so constructed as to be potentially dangerous to human beings.

A. Exemption: Temporary electric fences shall be allowed within the town of Basin for a period of up to, but no more than, three (3) months provided that:

1. The fence is for the purpose of surrounding a garden;

2. The fence is a standard livestock electric fence nonlethal to humans or animals;
3. The fence is set back within the property owner's property at least three feet (3') from the owner's property line; and
4. The fence is clearly marked as an electric fence. (Ord. 563, 11-5-2007)

4-1-12: FALSE ALARMS:

A. Fire: No person shall knowingly give a false alarm of fire except those for test purposes given or caused to be given by the chief of the fire department.

B. Police: It shall be unlawful for any person to call any police officer to any place, falsely pretending, or falsely giving such officer to understand that he is needed or wanted in any place as such officer. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-13: INTERFERING WITH FIRE ALARM SYSTEM:

No person shall interfere with any part of the fire alarm system unless so authorized by the chief of the fire department. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-14: INTERFERING WITH FIRE HYDRANTS, WATER MAINS:

No person shall shut off or turn on or interfere in any way with any fire hydrant, valve or water main in the municipality. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-15: INTERFERING WITH MUNICIPAL EMPLOYEES:

No person shall interfere in any way with any employee of the municipality in the performance of his work, nor displace any stakes or landmarks deposited or installed by any employee, nor in any way molest any tools, instruments or equipment of any employee, nor in any way molest any tools, instruments or equipment used by such employee in the duties assigned to him. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4-1-16: MALICIOUS MISCHIEF/VANDALISM:

- A. A person is guilty of malicious mischief/vandalism if that person knowingly defaces, injures or destroys property of another without the owner's consent, if the cost of restoring the injured property or the value of the property if destroyed is less than one thousand dollars (\$1,000.00).
- B. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for a term up to, but not to exceed, six (6) months, a fine up to, but not to exceed, seven hundred fifty dollars (\$750.00), or both. (Ord. 561, 9-4-2007)

4-1-17: PROSTITUTION³:

- A. **Maintaining Prohibited:** No person shall keep, set up, maintain or operate any place, structure, building or conveyance for the purpose of prostitution, or with knowledge or reasonable cause to know that the same is or is to be used for such purpose, or receive or offer or agree to receive any person in any place, structure, building or conveyance for the purpose of prostitution or permit any person to remain therein for such purpose.
- B. **Transporting Prohibited:** No person shall direct, take, transport or offer or agree to take or transport, any person to any place, structure or building or to any other person with knowledge or reasonable cause to know that the purpose of such directing, taking or transporting is prostitution.
- C. **Residing, Entering Or Remaining Prohibited:** No person shall reside in, enter or remain in any place, structure or building, or enter or remain in any conveyance for the purpose of prostitution.
- D. **Engage In Or Solicitation Prohibited:** No person shall engage in or solicit prostitution or aid or abet prostitution by solicitation or by any means whatsoever. (Ord. 386, 8-4-1975, eff. 8-4-1975)

3. WS ti. 7, ch. 4, art. 1.

4-1-18: PUBLIC DRUNKENNESS:

It shall be unlawful for any person to be drunk or in a state of intoxication in any highway, street, thoroughfare or other public place within the municipality. (Ord. 385, 4-7-1975; amd. Ord. 421, 8-4-1980; 2003 Code)

4-1-19: SHOPLIFTING; ALTERING AND REMOVING PRICE TAGS⁴:

- A. Shoplifting: It shall be unlawful for any person to wilfully conceal or take possession of any goods offered for sale by wholesale or retail stores or other mercantile establishments, without the knowledge or consent of the owners thereof and with intent to convert the goods to his own use without paying the purchase price. Such person is guilty of a misdemeanor and, upon conviction thereof, subject to penalty as provided in section 1-4-1 of this code. (Ord. 386, 8-4-1975, eff. 8-4-1975; amd. 2003 Code)
- B. Altering And Removing Price Tags: A person who alters, defaces, changes or removes a price tag or marker on or about property offered for sale by a wholesale or retail store with intent to obtain the property at less than the marked or listed price is guilty of a misdemeanor and, upon conviction thereof, subject to penalty as provided in section 1-4-1 of this code. (2003 Code)
- C. Detention And Interrogation: Any police officer, merchant or merchant's employee who has reasonable cause for believing that a person has committed the crime of "shoplifting", as defined by subsection A of this section, may detain and interrogate such person in regard thereto in a reasonable manner and for a reasonable time.
- D. Defense To Civil Criminal Action: When a police officer, merchant or merchant's employee, with reasonable cause for believing that a person has committed the crime of "shoplifting", as defined by subsection A of this section, detains and interrogates such person in regard thereto, and such person thereafter brings against the police officer, merchant or merchant's employee a civil criminal action for slander, false arrest, false imprisonment, assault, battery or wrongful detention based upon the detention and interrogation, such reasonable cause shall be a defense to the action if the detention and interrogation were done in a reasonable manner and for a reasonable time. (Ord. 386, 8-4-1975, eff. 8-4-1975)

4. WS ' 6-3-404.

4-1-20

4-1-22

4-1-20: **VAGRANCY:**

- A. Prohibited; Penalty: Any person able to support himself in any respectable calling who shall be found within the corporate limits of the town without any visible means of support and living an immoral or worthless life, shall be deemed a vagrant and, upon conviction therefor, shall be fined in any sum not exceeding twenty five dollars (\$25.00).
- B. Failure To Pay Fine: Anyone convicted of said offense upon failure to pay his fine may, at the option of the chief of police be compelled to work upon the streets of the town at the rate of fifteen dollars (\$15.00) per day until such fine and costs are paid by such work. (Ord. 135, 6-7-1915; amd. Ord. 421, 8-4-1980; 2003 Code)

4-1-21: **BREACH OF THE PEACE:**

- A. A person commits breach of the peace if he disturbs the peace of a community or its inhabitants by unreasonably loud noise or music or by using threatening, abusive or obscene language or violent actions with knowledge or probable cause to believe he will disturb the peace.
- B. Breach of the peace is a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00). (Ord. 548, 8-7-2006)

4-1-22: **PENALTY:**

- A. Misdemeanor: Unless otherwise provided, it is a misdemeanor for any person to violate any of the provisions of this chapter.
- B. Penalty: Every person convicted of a misdemeanor for a violation of any of the provisions of this chapter shall be subject to penalty as provided in section 1-4-1 of this code; provided, that the imposition of any such fine shall not bar institution of appropriate legal actions or proceedings by the municipality to restrain, correct or abate the violation nor shall the institution of such legal actions or proceedings be deemed a bar to the imposition of such fine. (Ord. 386, 8-4-1975, eff. 8-4-1975; amd. Ord. 421, 8-4-1980; 2003 Code; Ord. 548, 8-7-2006)

4-1-23: **POSSESSION OF A CONTROLLED SUBSTANCE:**

A. It is unlawful for any person knowingly or intentionally to possess a controlled substance, as defined by Wyoming Statutes, unless the substance was obtained directly from, or pursuant to a valid prescription or order of a practitioner while acting in the course of his professional practice, or except as otherwise authorized by this act. Any person who violates this section:

1. And has in his possession a controlled substance classified in schedule I⁵, II⁶, III⁷, or IV⁸, in the amount set forth in this subsection A1 is guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both. For purposes of this subsection A1, the amounts of a controlled substance are as follows:
 - a. For a controlled substance in plant form, no more than three (3) ounces;
 - b. For a controlled substance in liquid form, no more than three-tenths ($\frac{3}{10}$) of a gram;
 - c. For a controlled substance in powder or crystalline form, no more than three (3) grams;
 - d. For a controlled substance in pill or capsule form, no more than three (3) grams;
 - e. For a controlled substance in the form of cocaine based "crack" cocaine, no more than five-tenths ($\frac{5}{10}$) of a gram;
 - f. For a controlled substance known as LSD (lysergic acid diethylamide), no more than three-tenths ($\frac{3}{10}$) of a gram.
2. And has in his possession a controlled substance classified in schedule V⁹, is guilty of a misdemeanor punishable by imprisonment

5. WS ' 35-7-1014.

6. WS ' 35-7-1016.

7. WS ' 35-7-1018.

8. WS ' 35-7-1020.

9. WS ' 35-7-1022.

for not more than six (6) months, a fine of not more than seven hundred fifty dollars (\$750.00), or both.

- B. For purposes of determining the weights to be given the controlled substances under this section, the weights designated in this section shall include the weight of the controlled substance and the weight of any carrier element, cutting agent, diluting agent or any other substance excluding packaging material. (Ord. 558, 8-6-2007)

4-1-24: **PUBLIC INDECENCY:**

- A. A person is guilty of public indecency if, while in a public place (i.e., at/in/on street, sidewalk, park, public way, private property open to the public, private property not open to the public, parking lot, public school property, or any other public place whatsoever) within the town of Basin where a person may reasonably be expected to be viewed by others, that person:

1. Performs an act of sexual intrusion, as defined by Wyoming Statutes 6-2-301(a)(vii); or
2. Exposes their intimate parts, as defined by Wyoming Statutes 6-2-301(a)(ii); or
3. Engages in sexual contact, as defined by Wyoming Statutes 6-2-301(a)(vi), with or without consent, with the intent of arousing the sexual desire of themselves or another person; or
4. Urinates in a public place, except in a public or private bathroom.

- B. Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be imprisoned for a term up to, but not to exceed, six (6) months, a fine up to but not to exceed seven hundred fifty dollars (\$750.00), or both. (Ord. 560, 9-4-2007)

CHAPTER 2

ANIMAL CONTROL

SECTION:

- 4-2--1: Definitions
- 4-2--2: Dog License Required
- 4-2--3: Vicious And Unvaccinated Dogs
- 4-2--4: Leash Required
- 4-2--5: Dog Kennels
- 4-2--6: Animal Defecation
- 4-2--7: Dumping Of Dogs Or Cats
- 4-2--8: Cruelty To Animals
- 4-2--9: Barking Dogs
- 4-2-10: Emergency Measures; Rabies Epidemic
- 4-2-11: Wild Or Hybrid Animals
- 4-2-12: Farm Animals
- 4-2-13: Dangerous Animals
- 4-2-14: Interference With Officer
- 4-2-15: Right Of Entry
- 4-2-16: Disposition Of Dogs At Large
- 4-2-17: Penalty

4-2-1: **DEFINITIONS:** The following definitions shall apply wherever they may appear in this chapter:

ANIMAL: Any living creature, domestic or wild.

ANIMAL WARDEN: Any officer of the town designated by the governing body to enforce the provisions of this chapter.

AT LARGE: Off the premises of the owner and not controlled either by leash, cord, chain or otherwise.

CRUELTY TO ANIMALS: Torture, torment, or perform any act, or omission, or neglect, whereby unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief.

CAT: Every Feline cat, male or female.

- DANGEROUS ANIMALS:** Any animal that in the absence of intentional provocation inflicts serious bodily injury to a person or animal on public or private property; or is involved with a sustained attack upon a person, not allowing the victim any means of escape, regardless of the extent of the injury or defensive action required.
- DOG:** Every canine, male or female.
- FARM ANIMALS:** Cattle, horses, mules, burros, llama, alpaca, swine, sheep, goats, chickens, ducks, geese, turkeys, emus, or poultry of any description, or any other livestock.
- HOUSEHOLD PET:** Any trained or domesticated animal kept at a place of residence, excluding horses, mules, burros, llamas, alpaca, cows, sheep, goats, pigs, animals of bovine genus, chickens, ducks, peacocks, turkeys, geese, emus, fowl, rabbits, mink, chinchilla, snakes of over three feet (3') in length, or any venomous animal, venomous amphibian, venomous reptiles, venomous snakes, venomous lizards, venomous frogs and any such animals not ordinarily kept as household pets. Household pets include dogs, cats, canaries, parrots and other small caged birds, hamsters, guinea pigs, and similar rodents, ferrets, fish, reptiles and other such species that normally would be kept at a dwelling, but does not include any species or animal capable of inflicting substantial harm to man.
- HYBRIDS:** Offspring of wild animals bred with domestic animals.
- KENNEL:** Any premises or property of any kind or description where more than one female dog is kept for breeding purposes or where more than one litter of pups is kept for purpose of sale.

OWNER: Any person owning, keeping, harboring, maintaining or having custody of or being in charge of a dog or other animal.

VICIOUS ANIMAL: Any animal which attacks or rushes, bites, snaps, growls, or snarls at or otherwise menaces persons, other animals, or vehicles, in any public or private place outside the premises of its owner or keeper, or shows a disposition to do any of the foregoing without provocation or excuse.

VICIOUS DOG: Any dog which attacks or rushes, bites, snaps, growls, or snarls at or otherwise menaces persons, other animals or vehicles, in any public or private place outside the premises of its owner or keeper, or shows a disposition to do any of the foregoing without provocation or excuse. (Ord. 518, 2-7-2000; amd. 2003 Code)

4-2-2: DOG AND CAT NUISANCE AND LICENSING REGULATION:

A. Dog Nuisance Declared: The presence of unlicensed dogs within the town is hereby declared to be a nuisance and the owners or harborers of any such dogs are hereby declared to be maintainers of such nuisance. (Ord. 518, 2-7-2000)

B. At-large Cat Nuisance Declared: The presence of unlicensed, at-large cats within the town is declared to be a nuisance and the owners or harborers of any such cat(s) are hereby declared to be maintainers of such nuisance.

C. License Fees:

1. Annual License Fee: There shall be levied an annual license fee on all dogs within the town of fifteen dollars (\$15.00) for a neutered male and a spayed female dog and twenty five dollars (\$25.00) for nonneutered and unspayed dogs. (Ord. 574, 8-4-2008) There shall be a voluntary annual license fee on all cats within the town of five dollars (\$5.00) for a neutered male and a spayed female cat and ten dollars (\$10.00) for an unneutered and unspayed cat. (Ord. 608, 10-08-11)

2. Term: Such fee shall be due March 1 of each year and shall cover the period of one (1) year commencing from March 1 and ending on the last day of February of the next year.
3. Delinquent: Such fee shall be considered delinquent on March 2 of each year thereafter.
4. Notice, Demand Or Request; Late Fee: Other than herein provided, notice, demand or request to any dog owner or harbinger shall not be necessary, and anyone relicensing or renewing a license after the expiration of the license period fixed herein shall be assessed an additional ten dollars (\$10.00) for delinquent payment.
5. Proceeds: Proceeds of such fee shall be paid into the office of the town clerk-treasurer where it shall be kept in the general fund.

D. Duty To Collect; Publication Of Notice; Unlicensed Dogs and Cats:

1. Collection: It shall be the duty of the town clerk-treasurer to make collection of said license fees.
2. Payment Date: Said license fees shall be due and payable immediately at the time fixed herein.
3. Publication Of Notice: It shall be the duty of the town clerk-treasurer, immediately before said fees become due, to publish in the newspaper in Basin, Wyoming, once a week for a total of two (2) times (once in January and once in February of each year) a notice setting forth the fact that said license fees are due by March 1 of each year; also in said notice it shall state that said fees must be paid within a period of ten (10) days after the due date, and if not so paid, the dog/cat not tagged shall be exterminated.
4. Extermination; Alternative: No extermination, however, shall take place without due process. Instead of extermination, the owner or harbinger shall be allowed to permanently remove the dog/cat from within the town limits.

- E. Issuance Of Tag: Each and every owner or harborer of a dog or cat, upon the payment of said license fee, shall receive a license tag, and it shall be the duty of such owner or harborer to provide a collar for such dog on which shall be affixed said license tag. Cats will be required to have tag affixed to collar or provide documented microchip ID number that is provided to the Town Clerk.
- F. Evidence Of Spaying Or Neutering: Each and every owner or harborer of a spayed female dog/cat or neutered male dog/cat, upon the payment of said license fee, shall produce, for examination by the town clerk-treasurer, a certificate or other acceptable evidence that said female or male dog/cat has been spayed or neutered as the case may be.
- G. Rabies Inoculation:
1. Required: Each and every owner or harborer of a dog/cat shall have such dog/cat inoculated for rabies and to keep such inoculation current at all times to ensure that such dog/cat is inoculated against contracting rabies, and the evidence of such inoculation shall be affixed to such dog's collar or proof readily provided upon demand for cats.
 2. Unlawful: It is unlawful for any person to own or keep a dog/cat within the town, without first having the dog/cat inoculated or vaccinated for rabies by a licensed veterinarian and must have current proof of such rabies vaccination.
 3. When Required: All dogs/cats shall be registered when they are three (3) months old, and shall be inoculated and licensed at that time; or in the case of new dogs/cats, within thirty (30) days after being brought into the town.
- H. Duplicate Tags; Fee: In the event a license tag is lost or destroyed, a duplicate shall be issued by the town clerk-treasurer upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of five dollars (\$5.00) for each duplicate shall be required.

- I. Transfer Of Tags; Refunds: License tags shall not be transferable from one dog or cat to another and no refunds shall be made on licenses because of the death of the dog or cat, or if the owner or harborer leaves town before the expiration of the license period. (Ord. 518, 2-7-2000)

4-2-3: VICIOUS AND UNVACCINATED DOGS/CATS:

- A. Criteria: Any dog/cat in the town, which shall have bitten any person in the town without good cause, shall be taken to be a vicious dog/cat.
- B. Declared Public Nuisance: A vicious dog/cat is hereby declared to be a public nuisance.
- C. Duty To Impound: It shall be the duty of the chief of police or authorized officer, upon any notification by any person having actual knowledge of the biting of any person by any dog/cat within the town, to impound said dog/cat in question at the owner's expense and notify the owner/harborer of such action.
 1. Absence Of Acceptable Proof Of Inoculation: The dog shall be impounded for at least ten (10) days in the absence of acceptable proof that the dog is inoculated against rabies. If no proof of inoculation exists, the owner shall be responsible for all costs of impoundment and all reasonable veterinary fees.
 2. Removal From Town: The dog/cat thereafter shall be released to the owner/harborer, who shall immediately remove the dog/cat from the town, if the owner/harborer cannot or will not show proof of current rabies vaccination.
 3. Owner Unknown; Failure Of Refusal To Remove: If the owner of such dog/cat is not known or if the owner is known and fails or refuses to remove such dog/cat, then such dog/cat shall immediately be destroyed by the chief of police or authorized officer or such other person designated by the governing body. In the case of an owner/harborer who refuses to remove such dog/cat, the cost of extermination will be done at the owner/harborer's expense.

4-2-4: LEASH REQUIRED:

All persons owning or being the harborer of a dog are hereby required to keep said dog on a leash and under the control of the owner/harborer, a member of the owner's family or agent, except when the dog is restrained or fenced in the owner's/harborer's private property. (Ord. 518, 2-7-2000)

4-2-5: KENNELS:

- A. **Registration Required:** Every person maintaining a kennel within the town must register said kennel yearly at the town office.
- B. **Inspections:** Any kennel owner shall permit and allow the town officers or agents to make reasonable inspections of said kennel to make certain that said kennels comply with this chapter and any other reasonable rules, laws, and regulation that may hereafter be adopted for the safety and protection of the town's citizens and the management of the kennel. (Ord. 518, 2-7-2000)

4-2-6: ANIMAL DEFECATION:

- A. **Removal Required:**
 - A. **Off Owner's Property:** The owner or harborer of every animal shall immediately retrieve and remove all feces deposited by his or her animal while off the owner's/harborer's property, with the exception of while the animal is a participant in a parade or other similar event.
 - B. **On Owner's Property:** The owner or harborer of every animal shall remove all animal defecation from his or her own property and generally maintain a defecation free environment. Any unreasonable accumulation of animal feces that may pose a health hazard, or which causes obnoxious smell or sight shall be deemed a public nuisance and is a violation of this section.
- B. **Penalty:** Any person's failure to comply with any provision set forth in this section, upon conviction thereof, shall be punished as provided in section 4-2-17 of this chapter. (Ord. 518, 2-7-2000)

4-2-7: DUMPING OF DOGS OR CATS:

It shall be unlawful to dump dogs or cats to stray on the streets or alleys of the town. If any person dumps or in any manner turns loose any dog or cat to stray upon the streets of the town, such person shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished as provided in section 4-2-17 of this chapter. (Ord. 518, 2-7-2000)

4-2-8: CRUELTY TO ANIMALS:

- A. Torturing Or Tormenting Prohibited: It shall be unlawful for any person to torture, torment, or perform any act, or omission, or neglect, whereby unnecessary or unjustifiable pain or suffering is caused, permitted, or allowed to continue when there is reasonable remedy or relief.
- B. Overdrive, Overload, Etc., Prohibited: It shall be unlawful for any person to overdrive, overload, drive when overloaded, overworked, torture, torment, deprive of necessary sustenance, unnecessarily or cruelly beat, or needlessly mutilate or kill, or to carry in or upon any vehicle, or otherwise, in an inhumane manner, any animal, or to cause or procure it to be done, or who, having the charge and custody of any animal, permits any animal to stand harnessed or hitched to any vehicle, or to any post or hitching place for an unreasonable length of time, or who unnecessarily fails to provide any animal with the proper food, drink, or protection from the weather, or cruelly abandons any animal.
- C. Fighting Prohibited: It shall be unlawful for any person to keep any place where any animal, by his consent, are suffered to fight on exhibition, or for sport upon any wager, or whoever causes animals to so fight.
- D. Confinement Without Food Or Water: It shall be unlawful for any person or persons to impound or cause to be impounded any animal and not supply during such confinement a sufficient amount of good wholesome food and water. (Ord. 518, 2-7-2000)

4-2-9: BARKING DOGS:

- A. Declared Nuisance: It shall be unlawful for any person, firm, or corporation owning or having custody of a dog within the town to allow or permit such dog to take part in, create, or cause any disturbance or continued barking within the town, and such disturbance or continued barking is hereby declared to be a public nuisance.
- B. Inciting To Bark Prohibited: It shall be unlawful for any person, firm, or corporation to purposely incite, instigate, procure, or cause a dog to continuously bark or cause any disturbance within the corporate limits of the town.
- C. Penalty: Any person who shall violate any provision of this section shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalty set forth in section 4-2-17 of this chapter. (Ord. 518, 2-7-2000)

4-2-10: EMERGENCY MEASURES; RABIES EPIDEMIC:

If the governing body makes a determination that a rabies epidemic exists, the following measures shall be in effect and enforced, notwithstanding any other provision of this chapter that may be in conflict herewith:

- A. Possession Of Certain Animals: No person shall harbor, keep or possess a fox, coyote, wolf, raccoon, or skunk within the town.
- B. Inoculation Required; Tag: Every owner or harborer of any cat or dog within the town shall cause such animal to be inoculated against rabies not less than once every two (2) years and shall cause to be securely fastened about the neck of each cat or dog at all times a collar or harness to which shall be securely fastened a rabies tag proving said inoculation.
- C. Use Of Another Animal's Tag: No owner or harborer of any cat or dog shall permit or allow said animal to wear or to be displayed on any such animal a tag issued for another animal which received a rabies inoculation.

- D. Immediate Destruction; Exception: Any cat or dog found within the town and not displaying a current rabies inoculation tag and any fox, coyote, wolf, raccoon, or skunk found within the town shall be destroyed immediately by or under the supervision of the chief of police, unless the chief of police determines that such animal shall be held for observation at the owner's or harborer's expense, and after such observation, the animal shall be destroyed unless otherwise directed by the chief of police.
- E. Animal Bite: Any animal that is without a current rabies inoculation that has bitten a person within the town shall be immediately destroyed under the supervision of the chief of police, and the animal's head shall be shipped to the Wyoming state veterinary laboratory for such rabies testing. All costs and expenses for said destruction, shipping and testing shall be paid by the owner/harbinger of the animal.
- F. Horses And Cattle: All horses and cattle within the town limits shall be inoculated for rabies and such inoculation shall be kept current until the governing body has declared that the rabies epidemic is over and these emergency measures are no longer necessary. (Ord. 518, 2-7-2000)

4-2-11: **WILD OR HYBRID ANIMALS:**

Due to the nonavailability of rabies vaccine for wild animals, and their susceptibility to rabies, neither wild nor exotic carnivores, nor hybrids shall be kept, sheltered or harbored within the town limits. Hybrids are considered wild animals if their parentage is one-sixteenth ($\frac{1}{16}$) or more wild, and are prohibited. (Ord. 518, 2-7-2000)

4-2-12: **FARM ANIMALS:**

- A. Prohibited: It shall be unlawful for any person to keep, maintain or have in his or her possession any farm animals within the town.
- B. Existing Use: Provided, however, that this section shall not affect or make unlawful for any person now owning or having horses kept, maintained, or in their possession within the town as of the date hereof.

- C. Change In Ownership Or Right Of Possession: In the event of any real estate within the town which is now being used for the purpose of keeping horses thereon shall be sold, transferred, leased, or if it changes ownership or right of possession in any manner whatsoever, including by right of descent, or any testamentary disposition, such real estate shall not thereafter be used for the purpose of keeping animals thereon, excluding areas of the town deemed for mixed agriculture.
- D. Declared Nuisance: All horses, mules, burros, llamas, alpaca, cattle, swine, sheep, goats, chickens, ducks, geese, turkeys, emus, or poultry of any description, or any other livestock or animals running at large within the corporate limits of the town are declared to be a nuisance, and any person being the owner or keeper of such shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalty provisions provided in section 4-2-17 of this chapter. (Ord. 518, 2-7-2000; amd. 2003 Code)

4-2-13: DANGEROUS ANIMALS:

Dangerous animals are hereby declared a public nuisance and shall be removed from the town immediately; or, as so ordered by the municipal court judge upon a lawful hearing, shall either be removed immediately from the town, or be destroyed. (Ord. 518, 2-7-2000)

4-2-14: INTERFERENCE WITH OFFICER:

If any person shall interfere with, hinder or molest any police officer, or any agent thereof, in the performance of their duty as herein provided, such person(s) shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined as provided in section 4-2-17 of this chapter. (Ord. 518, 2-7-2000)

4-2-15: RIGHT OF ENTRY:

In the enforcement of any provision of this chapter, any police officer of the town, or the animal control officer, is authorized to enter the premises of any person and take possession of licensed or unlicensed dogs when in fresh pursuit of such animal at the time the animal goes upon private property, if a search warrant is first obtained or permission is obtained. (Ord. 518, 2-7-2000)

4-2-16: IMPOUNDING OF DOGS AND CATS:

- A. All dogs and cats found running at large in the town of Basin shall be captured and impounded. Dogs and cats so impounded shall be kept for a period of not less than 48 hours, exclusive of the day of capture, and if not claimed by the owner or harborer thereof, shall be exterminated or destroyed.
- B. In the event that the dog or cat is not claimed by the owner or harborer thereof, the town may elect to deliver said animal to any person who agrees to adopt said animal and to spay or neuter the animal. Any person so adopting shall provide proof of spaying or neutering to the town clerk and shall be entitled to an adoption fee in an amount to be determined by the council, said fee not to exceed the amount the town is charged for euthanizing said animal.

4-2-17: DUTY OF POLICE OFFICERS:

It shall be the duty of every police officer to capture and impound any dog or cat found running at large contrary to the provisions of this chapter and title, and the officer is authorized and required to cause to be captured and impounded all dogs and cats found running at large, or being kept or possessed contrary to this chapter and title. The poundmaster, if there is one, or some other designated official, upon receiving such cat or dog, shall make a complete registry, entering the breed, color and sex of such animal, and shall record whether or not the animal is licensed. If licensed, he or she shall enter the name and address of the owner thereof, and the number of the license tag, and shall notify the owner of the animal that the animal has been impounded.

4-2-18: APPREHENDING AND POUND FEES:

There is provided an impound fee of \$50.00 for animals that are properly licensed and \$75.00 for unlicensed animals, and a pound fee of \$5.00 per day including day of apprehension for each day or fraction of a day that any dog or cat is impounded. Before any such dog or cat is released from the pound, the town shall collect the fee and any applicable license fees from the person or persons claiming such dog or cat. All such fees shall be promptly remitted to the town clerk-treasurer by the person collecting such fees.

4-2-19: PENALTY:

A. Misdemeanor: Any person who shall violate any provision of this ordinance shall be deemed guilty of a misdemeanor.

B. Penalty: Upon conviction for violation of any provision of this chapter, the defendant shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 518, 2-7-2000; amd. 2003 Code)

CHAPTER 3

CURFEW

SECTION:

4-3-1: Curfew Imposed

4-3-2: Enforcement

4-3-3: Penalty

4-3-1: **CURFEW IMPOSED:**

It shall be unlawful for any person under the age of eighteen (18) years of age to be on any of the streets or alleys of the town after the hour of ten o'clock (10:00) P.M. on Sunday, Monday, Tuesday, Wednesday or Thursday and after the hour of twelve o'clock (12:00) midnight on Friday and Saturday and before the hour of five o'clock (5:00) A.M. of any day, unless such person is in the company of his or her parent, guardian or relative over the age of twenty one (21) years. (Ord. 554, 8-6-2007)

4-3-2: **ENFORCEMENT:**

It is hereby made the duty of the chief of police to enforce the provisions of this chapter. (Ord. 37, 6-5-1905)

4-3-3: **PENALTY:**

A. Minor: Any person violating the provisions of section 4-3-1 of this chapter shall be deemed to be guilty of a misdemeanor, and upon conviction shall be subject to penalty as provided in section 1-4-1 of this code. (Ord. 404, 10-16-1978; amd. Ord. 421, 8-4-1980; 2003 Code)

B. Parent Or Guardian: Any parent or guardian who shall permit their child or children to violate any of the provisions of this chapter shall, upon conviction thereof, be subject to penalty as provided in section 1-4-1 of this code. (Ord. 37, 6-5-1905; amd. 2003 Code)