

Sponsor: Mayor Dale Rife  
First Reading: \_\_11/7/11\_\_  
Second Reading: \_\_12/5/11\_\_

**ORDINANCE #18-11**

**AN ORDINANCE RELATING TO THE CLEANING UP OF ANIMAL WASTE AND ESTABLISHING REGULATIONS FOR THE KEEPING OF DOGS IN THE TOWN OF WYOMING**

**BE IT HEREBY ENACTED** by the Town Council of the Town of Wyoming, a majority thereof concurring in council duly met, that Ordinance #18-11 “An Ordinance Relating to the Cleaning up of Animal Waste and Establishing Regulations for the Keeping of Dogs in the Town of Wyoming” be and hereby is enacted, as follows, to wit:

**Section 1. Definitions.** The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

*At large* means off the premises of the owner and not under the control of a human being, either by leash, cord, chain, rope or other means of physical restraint.

*Dog* means either male or female.

*Noisy dog* means any dog that repeatedly or continuously barks, whines or howls so as to make a disturbance.

*Owner* means any person, firm, association or corporation owning, keeping, harboring or entrusted to keeping a dog.

*Property* means real and personal property including, but not be limited to, shrubbery, grass, flowers and other plants.

*Vicious dog* means any dog that attacks, snaps at, attempts to bite or bites a person or dog upon the streets, sidewalks or in any public place or private place; provided that any dog on private property enclosed by a fence or restrained by a chain or other similar device shall be excluded from the definition of "vicious dog" for the purposes of this ordinance.

**Section 2. Penalty.**

(a) Any owner who shall violate any section of this ordinance shall be guilty of a violation and shall, upon conviction before any court of competent jurisdiction, forfeit and pay a fine as follows:

- (1) For violation of sections 3, 4, 7 and 8
  - a. First offense: \$50.00
  - b. Second offense: \$100.00

- c. Third and subsequent offenses: \$300.00
- (2) For violation of sections 6 and 9
  - a. First offense: \$100.00
  - b. Second offense: \$150.00
  - c. Third and subsequent offenses: \$300.00
- (3) For violation of section 10 subsection (a):
  - a. First offense: \$100.00
  - b. Second offense: \$150.00
  - c. Third offense: If the dog is not removed from the town limits within 24 hours, each day thereafter will be considered a separate offense with a fine of \$400.00 per day.
- (4) For violation of section 10 subsection (b):
  - a. First offense: \$50.00
  - b. Second offense: \$100.00
  - c. Third and subsequent offenses: \$400.00

**Section 3. Keeping of dogs; maintenance of area.** The owner of any dog shall at all times maintain the area wherein the dog is kept in a clean and sanitary condition, free of unreasonable accumulations of waste and refuse. It shall be unlawful for any person within the town to permit excreta from any dog kept by such person to accumulate to the extent that it becomes visibly offensive or the odor therefrom can be detected by any person on any property other than the property on which such dog is kept, or that it provides a breeding ground for flies or mosquitoes. If any person shall violate this section, he or she shall be given written notice thereof, which shall direct that such excreta be eliminated within such time as may be specified in said notice, which shall not exceed 24 hours.

**Section 4. Running at large prohibited.**

(a) The owner of any dog within the town shall keep the same securely upon his own premises or under the control of the owner or some other person by means of leash, cord, chain, rope, fence or some other means of physical restraint. No dog shall be permitted to run at large within the town at any time.

(b) The owner of any female dog in heat shall keep such dog at all times while in heat, confined within an enclosure from which it cannot escape.

**Section 5. Impoundment—Authorized; records.** It shall be the duty of every dogcatcher to apprehend any dog found running at large contrary to the provisions of section 4 and to impound such dog at the county SPCA or other such suitable place. The dogcatcher who impounds such a dog shall make a record of the breed, color and sex of such dog and its license tag, if any. A compilation of the records of all such dogs caught and impounded shall be maintained at the county SPCA. Any police officer who impounds a dog shall turn the dog over to the county SPCA as soon as practical.

**Section 6. Keeping of vicious dogs.** It shall be unlawful for any owner to keep any vicious dog within the town. Any dogcatcher or any police officer, after making a reasonable effort to

impound a vicious or rabid dog, may kill any such vicious or rabid dog in as humane a manner as possible.

**Section 7. Keeping of noisy dogs.** It shall be unlawful for any owner to keep any dog which, by frequent, habitual or long-continued barking, whining or howling disturbs any person or neighborhood and such action is hereby declared to be detrimental to the public health and welfare. Any owner who keeps such a dog and who fails to abate the nuisance after being notified by the police shall be prosecuted as provided in section 2.

**Section 8. Animal waste.**

(a) Soiling or damaging private property. No person having possession, custody, or control of any dog or other animal shall knowingly or negligently permit such dog or animal to damage, defile or defecate upon any private property within the town not owned or leased by such person.

(b) Soiling or damaging public property. No person having possession, custody, or control of any dog or other animal shall knowingly or negligently permit such dog or animal to damage, defile or defecate upon any public property within the town, including but not limited to, gutters, driveways, streets, alleys, curbs, sidewalks, and parks or upon the floors or stairways of any building or place frequented by the public, or used in common by the tenants, or upon the outside walls abutting on a public street or park, or upon the grounds of any other public park or public area.

(c) Removal of feces. Any person having possession, custody, or control of any dog or other animal which damages, defiles, or defecates any area other than the private property of the owner of such dog or other animal, as prohibited herein, shall be required to immediately remove the said feces from the surface and dispose in a proper manner as follows: (a) in a toilet or (b) in a non-leaking container for deposit in a trash or litter receptacle.

(d) Exceptions. If the feces is removed immediately and disposed of in a sanitary manner as required by subsection (c) above, it will not be considered a violation of section 8. The provisions of this section shall not apply to a guide dog accompanying any blind person or to a dog used to assist any other physically challenged person.

**Section 9. Attack by dog.** It shall be unlawful for any person to permit any dog owned by him or under this control, to attack molest or threaten any person or domestic dog on private or public property.

**Section 10. Interference with town employees.**

(a) The owner of any dog within the limits of the town shall keep, prevent or restrain any dog from attacking, snapping at, attempting to bite or biting any town employee in the performance of their duties.

(b) In addition to the above, the owner of any dog within the limits of the town shall

ensure that town employees shall have access to utility meters, free from interference or threat from dogs.

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### Synopsis

This ordinance regulates the condition of the property whereon dogs are kept and prohibits conditions that emanate an offensive odor outside the private property or become a breeding ground for insects. This ordinance regulates noisy dogs, dog waste, female dogs in heat, and prohibits dogs from running at large. Vicious dogs, as defined by the ordinance, are prohibited in town, and it is unlawful for dogs to interfere with town employees performing their work duties. This ordinance outlines regulations involving dogs or other animals defecating on public or private property. This ordinance outlines penalties for violations of this ordinance and authorized actions that may be taken when violations occur.

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This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Wyoming at a duly-noticed and convened meeting at which a quorum was present on December 5, 2011.

Attest: *Parrela B. Haddick*  
Town Clerk

So Certifies: *Frankie Dale Ruff*  
Mayor

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This shall certify that a copy of this Ordinance was posted at the Town Hall on 12/7, 2011.

12/7/11  
Date

So Certifies: *Parrela B. Haddick*