

TITLE 5
POLICE REGULATIONS

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CHAPTER 1
POLICE DEPARTMENT

Section:

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5-1-1: MEMBERSHIP:

The police force of the town shall consist of the town marshal, who shall be chief of police, and such deputy marshals as the mayor, by and with the consent of the council, shall deem proper to appoint. (1960 Code § 8-101)

5-1-2: MARSHAL:

- A. Powers: The marshal shall have full control and authority over all deputy marshals appointed hereunder, both regular and special, and may make such rules and regulations regarding the police force of the town as he shall deem proper, so long as they do not conflict with the ordinances of the town or the laws of the state of Wyoming.
- B. Grievance By Deputy: If the deputy marshal shall consider the rules imposed by the marshal harsh or unjust, he shall make complaint thereof to the mayor, and the mayor, if he considers it advisable, may order the rules imposed by the marshal discontinued and annulled.
- C. Grievance Against Deputy: If the marshal shall have any reason to complain of any act of any deputy by reason of his failing to obey any regulation imposed under the provisions of this chapter or by reason of his failing to perform his duty, or for any other just cause, such complaint shall be made to the town council, and the council shall take such action on the premise as to them shall seem just and proper. (1960 Code § 8-104)

5-1-3: DEPUTIES:

- A. Appointment: The mayor, by and with the advice and consent of the council, shall appoint such regular deputy marshals as shall seem proper for the preservation of the law and order of the town and for enforcing the ordinances of the town.
- B. Supervision; Daily Reports: Every deputy appointed hereunder shall be under control and authority of the marshal, and shall make a full report to such marshal each day of all arrests made and other acts performed by

him during the preceding day in connection with the duties of his office. (1960 Code § 8-106)

5-1-4: QUALIFICATION OF MARSHAL AND DEPUTIES

- A. Any person appointed Marshal or Deputy Marshal shall be qualified to serve as peace officer as provided in Wyoming Statutes, Section 9-1-704 (Lexis 2009) or as provided in Wyoming Statutes, Section 9-1-706 (Lexis 2009).
- B. If the position of Marshal or Deputy Marshal is vacant, and the governing body of the Town of Superior seeks to fill the position, preference is to be given to qualified applicants who are residents of the Town of Superior the Town may fill the position with a qualified individual residing outside of the town limits of the Town of Superior.

5-1-5: SPECIAL DEPUTIES:

- C. Power To Appoint: When the town marshal shall deem such a course necessary for the preservation of law and order in the town, he shall appoint such special deputies as he may deem necessary for that purpose; provided, that such appointment shall be made in writing and; provided further, that no appointment made under the provisions of this section shall extend beyond the next regular meeting of the town council; and at such meeting, the marshal shall make a full report of all appointments made by him hereunder, setting forth fully the causes for such appointments.
- D. Rights And Powers: Such special deputies shall have the same rights and powers and shall be governed by the same rules and regulations as are the regular deputy marshals appointed hereunder.
- E. Compensation: Every such special deputy to be paid at a rate to be determined from time to time by resolution of the town council for all services performed by him in such capacity. (1960 Code § 8-103; amd. 2005 Code)

5-1-6: OATH:

Every officer appointed under the provisions of this chapter shall, before entering upon the duties of his office, subscribe an oath or affirmation to honestly and faithfully perform and discharge the duties of such office. (1960 Code § 8-108)

5-1-7: DUTIES:

It shall be the duty of every officer appointed hereunder to see that the ordinances of the town are enforced and that every person guilty of a violation thereof is brought before the municipal judge for trial. (1960 Code § 8-107; amd. 2005 Code)

CHAPTER 2
GENERAL OFFENSES

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5-2-1: OFFENSES CONCERNING PUBLIC AND PRIVATE PROPERTY:

5-2-1-1: THROWING STONES OR MISSILES:

No person shall throw any stone or any other missile upon or at any building, tree or other public or private property, or upon or at any person in any street, public place, or enclosed or unenclosed ground. (1960 Code § 3-101; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-1-2: DAMAGING BRIDGES, FIRE HOUSES:

It shall be unlawful for any person to injure or destroy, or assist in injuring or destroying, any bridge or its appurtenances, or any fire engine house, or any fire apparatus belonging to the town or any fire company, or any other public building or property belonging to the town. (1960 Code § 3-102; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-1-3: THROWING OR CATCHING BASEBALLS OR OTHER MISSILES:

It shall hereafter be unlawful for any person to engage in a practice of throwing and catching a baseball or other missile or object whatsoever, upon any of the streets of the town, within one hundred feet (100') of any dwelling or business house within the corporate limits of the town. (1960 Code § 3-103; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2: OFFENSES CONCERNING PUBLIC MORALS:

5-2-2-1: INDECENT OR IMMORAL DRESS, EXPOSURE, PLAY:

No person shall appear in any public place within this town, or within one mile of the town limits, in a state of nudity, or in an indecent or lewd dress, or shall make any indecent exposure of his or her person, or shall make any indecent act or behavior, or shall exhibit, sell, or offer to sell any indecent or lewd book, picture, or other thing, or shall exhibit or perform any indecent, immoral or lewd play, or other representation. (1960 Code § 3-201; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-2: DRUNKENNESS:

It shall be unlawful for any person to be drunk or in a state of intoxication, on any highway, street, thoroughfare, or other public place within this town, or in any private house or place. The town marshal, deputy marshal, and all police officers of said town are hereby authorized and empowered, and it is hereby made their duty, to arrest, or cause to be arrested, with or without process, any person found violating the provisions of this section, and commit such person to the town jail or other safe place in said town until sober, at which time, or as soon thereafter as may be, such person shall be taken before the municipal judge to be dealt with according to law. (1960 Code § 3-202; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-3: GAMBLING:

It shall be unlawful for any person to set up, have or keep any keno table, faro bank, shuffle board, bagatelle, playing cards or other instrument, device, or other thing whatever, whereon or with which any money, liquor or other article shall in any manner be played for, or any person to play for money or other valuable thing at any game with cards, dice, or with any article, device or thing whatever which may be used for the purpose of playing or betting on, or winning or losing money or other property, or to bet upon any game others may be playing. (1960 Code § 3-203; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-4: GAMBLING HOUSE, OWNER OR OCCUPANT LIABLE:

It shall be unlawful for any person to keep a disorderly or gaming house, or to permit or suffer any faro bank, keno table, or other instrument or device whatever used for playing games of chance, or to be set up and used, whereby any game of chance shall be played for money or other article of value, in any building or tenement in his possession or under his control. (1960 Code § 3-204; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-5: GAMBLING HOUSE OR HOUSE OF ILL FAME, RESISTING OFFICER:

It shall be unlawful for the owner or keeper, or any person within any gambling house or room of any disorderly house of ill fame within this town to refuse to permit the mayor, any council member, the marshal or any police officer to enter the same. It shall be unlawful for the mayor, any councilman, the marshal or any

police officer to enter the same, or cause the same to be entered by force, by breaking the doors or otherwise and to arrest, with or without warrant, all suspicious persons found therein. (1960 Code § 3-205; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-6: MAINTAINING HOUSE OF ILL FAME:

No bawdy house, house of ill fame, house of assignation, or place for the practice of fornication, or common, ill governed, or disorderly house or place, shall be kept or maintained within the limits of the town. It shall be unlawful to keep any such house or place, or to be an inmate of such house or place, or to in any manner contribute to the support of any such house or place. (1960 Code § 3-206; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-7: VISITING HOUSE OF ILL FAME:

It shall be unlawful for any person to visit any such house or place as is prohibited in section 5-2-2-6 of this chapter, for lewd or immoral purposes or practices. Upon the prosecution of any person arrested for the violation of this section, after proof of the general character of the house or place, it shall devolve upon the person accused to prove a lawful and moral purpose in making the visit, or such person shall be convicted; provided, that visiting such places out of curiosity, or for drinking, tipping, dancing, social meetings or general gatherings shall not be deemed a lawful or moral purpose. (1960 Code § 3-207; amd. 2005 Code)

5-2-2-8: PROSTITUTE:

It shall be unlawful for any prostitute, courtesan or lewd woman, within the corporate limits of this town or within one mile thereof, by word, sign or action, ply her vocation on any street, alley or avenue of this town or within one mile thereof, or in any other place. (1960 Code § 3-208; amd. 2005 Code)

5-2-2-9: ENTICING FEMALE TO HOUSE OF ILL FAME:

It shall be unlawful for any person to, in the corporate limits of the town or within one mile thereof, inveigle or entice any female of good character to a house of ill fame or assignation, or to knowingly conceal or aid or abet in concealing any such female or delude or entice for the purpose of prostitution or lewdness. (1960 Code § 3-209; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-10: PIMPS:

It shall be unlawful for any person to frequent a houses of ill fame or of assignation, or associate with females known or reputed as prostitutes or frequent gambling houses with prostitutes, or engage in or about a house of

prostitution as a pimp. (1960 Code § 3-210; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-11: REPUTATION AS EVIDENCE:

It shall be competent on the trial of any person under charge of any offense under or in violation of sections 5-2-2-1 through 5-2-2-10 of this chapter, to introduce and the court shall admit testimony as to the general reputation of the person charged, and the reputation of the house such person is shown to have kept, rented out or inhabited, and the defendant may introduce testimony of like nature to disprove the charge on his or her behalf. (1960 Code § 3-211)

5-2-2-12: IMPROPER NOISE, OFFENSIVE LANGUAGE:

It shall be unlawful for any person in this town to make and countenance, or assist in making any improper noise, riot, disturbance or breach of the peace, or to use profane, obscene, or offensive language to any person. (1960 Code § 3-212; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-13: DISORDERLY HOUSE:

Any grocer, innkeeper, or other person, who shall keep any common, ill governed or disorderly house, or who shall suffer any drunkenness, quarreling, fighting, unlawful games, or riotous games, or disorderly conduct whatever on his premises, shall be subject to penalty as provided in section 5-2-5 of this chapter, and, if licensed, shall be subject, upon conviction, to a forfeiture of his license, to be entered in every case as part of the judgment. (1960 Code § 3-213; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-14: VAGRANTS:

Every able bodied person who shall be found loitering or rambling about the town not having visible means of support, or some legitimate business by which to support himself, and who does not engage in labor or some honest calling to procure a livelihood and all able bodied persons who are found begging or who quit their homes or leave their wives or children without means of subsistence, shall be deemed and treated as vagrants, and, upon conviction thereof, shall be deemed guilty of a misdemeanor. (1960 Code § 3-215)

5-2-2-15: JUDGMENT DEBTORS:

All persons in default of payment of any judgment against them, for any fine or penalty in the municipal court, under the provisions hereof, shall be put to work on the streets, or public work, or other improvements of the town, at the rate of fifteen dollars (\$15.00) per day until such fine and costs of prosecution are paid. (1960 Code § 3-216; amd. 2005 Code)

5-2-2-16: CURFEW; PARENTAL RESPONSIBILITY:

- A. Curfew Imposed: It shall be unlawful for any person under sixteen (16) years of age to be or remain in or upon any of the streets, alleys, or public places in the town at night after the hour of nine o'clock (9:00) P.M., from September 1 to May 31, and at ten o'clock (10:00) P.M., from June 1 to August 31, unless such person is accompanied by a parent, guardian or other person having the care and custody of such minor person, or is in the performance of an errand or duty directed by such parent, guardian, or other person having the care and custody of such minor person, or whose employment makes it necessary to be upon said streets, alleys or other public places during the nighttime after said specified hours.
- B. Parental Responsibility: It shall be unlawful for any parent, guardian or other person having the custody of any person under sixteen (16) years of age, to allow or permit such child, ward, or other person under such age, to go or be in or upon any of the streets, alleys, or public places within the time prohibited in subsection A of this section unless there exists a reasonable necessity therefor. (1960 Code § 3-217; amd. 2005 Code)

5-2-2-17: MINORS FREQUENTING POOL HALLS:

No person who shall have taken out a license for a billiard table, pool table or bowling alley, shall allow any person under the age of eighteen (18) years to play billiards or pool upon such table, or at bowling on said alley for pay, or shall allow any such person under the age of eighteen (18) years to frequent the room, or place where such billiard table, pool table or bowling alley is situated. (1960 Code § 3-218; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-2-18: CONTRIBUTING TO DELINQUENCY OF MINORS:

It is unlawful for any person to cause or encourage any minor person to violate any law of the state of Wyoming or town, or for any person to send or cause to be sent, any such minor to, or permit any such minor to be or remain in, any house of prostitution or assignation, or any room, building or place where intoxicating liquor is kept, possessed, sold or bartered, or to buy for, give to, or furnish either directly or indirectly, any intoxicating liquors or malt beverages to any person or persons under the age of twenty one (21) years. (Ord. 921, 1-12-1982; amd. 2005 Code)

5-2-2-19: MINORS ENTERING LIQUOR ESTABLISHMENTS:

It shall be unlawful for any person under the age of twenty one (21) years to enter into and remain in any place which sells intoxicating or malt liquors after being requested to leave by the license holder, his agent, servant or employee, or any law enforcement officer. (Ord. 921, 1-12-1982; amd. 2005 Code)

5-2-2-20: MINORS IN POSSESSION OF OR UNDER INFLUENCE OF INTOXICATING BEVERAGES:

- A. Prohibited: It shall be unlawful for any person under the age of twenty one (21) years to have any alcoholic or malt beverage in his possession or to be drunk or under the influence of intoxicating liquor on any street, alley or highway or in any public place.
- B. Exception: This section shall not apply to persons under the age of twenty one (21) years making a delivery of such alcoholic beverages in pursuance to the order of his parent or employer. Such order shall be legibly written, dated and signed. (Ord. 921, 1-12-1982; amd. 2005 Code)

5-2-3: OFFENSES CONCERNING PUBLIC PEACE AND SAFETY:

5-2-3-1: IMPERSONATING A POLICE OFFICER:

It shall be unlawful for any person in the town to impersonate a marshal, deputy marshal or policeman by wearing a star or otherwise. (1960 Code § 3-301; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-2: FIRING GUN OR EXPLOSIVE UNLAWFUL:

It shall be unlawful for any person within this town to fire or discharge any cannon, gun, fowling piece, pistol or firearm of any description, or fire, explode or set off any squib, cracker, or other thing containing powder, or other combustible or explosive material without permission from the town council or written permission from the mayor, which permission shall limit the time of such firing, and shall be subject to be revoked by the mayor or town council, any time after the same has been granted. (1960 Code § 3-302; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-3: UNLAWFUL ACTS; UNLAWFUL ASSEMBLY:

It shall be unlawful for any two (2) or more persons to assemble together in this town with the intent to do an unlawful act, with force or violence, against the property of the town, or the person or property of another, or against the peace or to the terror of others, and to make any movement or preparation therefor, and every person present at such meeting or assembly, who shall not endeavor to prevent the commission or perpetration of such unlawful act, shall, upon conviction, be severally subject to penalty as provided in section 5-2-5 of this chapter for each and every offense. (1960 Code § 3-303; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-4: UNLAWFUL CROWDS; ANNOYING CITIZENS:

It shall be unlawful for any persons to collect in bodies or crowds for unlawful purposes, or for any purpose to the annoyance or disturbance of citizens or travelers. (1960 Code § 3-304; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-5: DISTURBING RELIGIOUS WORSHIP:

It shall be unlawful for any person to disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting. (1960 Code § 3-305; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-6: DISTURBING ANY LAWFUL ASSEMBLAGE:

It shall be unlawful for any person to disturb any lawful assemblage of people by rude or indecent behavior, or otherwise. (1960 Code § 3-306; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-7: GIVING FALSE ALARM OF FIRE:

It shall be unlawful for any person to wilfully give or make, or cause to be given or made, a false alarm of fire. (1960 Code § 3-307; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-8: LOUD NOISE FOR ATTRACTING PEOPLE:

It shall be unlawful for any person to employ any bellman or use or cause to be used any bell, horn or bugle, or other sounding instrument, or to employ any loud noise or offensive device, or performance as a means of attracting people to an auction, or for any purpose whatsoever, without permission, in writing, from the mayor. (1960 Code § 3-308; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-9: CARRYING DEADLY WEAPONS:

It shall be unlawful for any person to keep or bear upon the person any pistol, revolver, knife, slugshot, bludgeon, or any deadly weapon (except the officers of the United States, of this state and of the town). (1960 Code § 3-309; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-10: HOTEL AND ROOMING HOUSE GUEST REGISTRY:

It is hereby made the duty of every person, owning or conducting any hotel, rooming or lodging house within the limits of the town to keep in said place or places a public register containing the names of all persons obtaining rooms or lodging therein. Such register shall be at all times kept in a conspicuous place in such hotel, rooming or lodging house, and shall at all times be open to public

inspection. Any person or persons owning or conducting any such hotel, rooming or lodging house, who shall fail or neglect to provide such place so owned or conducted with a public register as above mentioned, shall, upon conviction, be deemed guilty of a misdemeanor. (1960 Code § 3-310; amd. 2005 Code)

5-2-3-11: AIDING PRISONERS TO ESCAPE:

It shall be unlawful for any person to assist or aid, or attempt to assist or to aid, any person confined in jail, or place wherein persons may be confined for violating town ordinances, to escape from such jail or other place of confinement. The person so offending shall be deemed guilty of a misdemeanor. (1960 Code § 3-311; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-12: INTRODUCING TOOLS INTO THE JAIL:

It shall be unlawful for any person, without consent of the person in charge of the jail or place wherein persons may be confined for violating town ordinances, to introduce any tool, implement or other thing. (1960 Code § 3-312; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-13: INTRODUCING INTOXICANTS INTO TOWN JAIL:

It shall be unlawful for any person, without consent of the person in charge of the jail or place wherein persons may be confined for violating town ordinances, to introduce any spirituous or malt liquors into such jail or place of confinement. (1960 Code § 3-313; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-14: RESISTING AN OFFICER, AIDING PRISONER TO ESCAPE:

It shall be unlawful for any person to resist any police officer, or member of the police department, in the discharge of his duties, or to in any way interfere with or hinder or prevent him from discharging his duty as such officer or member, or to offer or endeavor so to do. It shall be unlawful to in any manner assist any person in custody of any police officer or member of the police department, to escape or attempt to escape from such custody, or to rescue or attempt to rescue any person so in custody. (1960 Code § 3-114; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-15: ASSISTING POLICE OFFICERS:

It shall be the duty of all persons in the town, when called upon by any police officer or other member of the police department, to promptly aid and assist him in the execution of his duties. It shall be unlawful for any person to neglect or refuse to give such aid and assistance. (1960 Code § 3-315; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-3-16: ASSAULT UPON A POLICE OFFICER:

Whoever, having the present ability to do so, unlawfully attempts to commit a violent injury on the person of a police officer, is guilty of assault upon a police officer. (Ord. 920, 1-12-1982; amd. 2005 Code)

5-2-3-17: INTERFERENCE WITH TOWN EMPLOYEE

- A. No person or entity shall threaten, intimidate, interfere with, obstruct, block, assault, batter or otherwise act in such a manner to place a Town Employee in reasonable fear during the employee's conduct of official Town business. Prohibited behavior shall include, but not be limited to, use of loud, profane, abusive or obscene language directed at or implied toward the employee, and/or allowing or failing to prevent pets from prohibiting the employee from performing such duties.
- B. Violation of this Ordinance constitutes a Class A Misdemeanor punishable pursuant to Town Ordinance 1-4-1 (A)(I).

5-2-4: OFFENSES CONCERNING PUBLIC HEALTH AND GENERAL WELFARE:

5-2-4-1: POISONS:

It shall be unlawful for any person to vend, give or deliver, within this town, any deadly poison, knowing the same to be such without marking the same in legible characters, "poison". (1960 Code § 3-401; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-4-2: LEAVING OPEN CELLAR DOOR, PIT:

It shall be unlawful for any person in this town to leave or keep open any cellar door, pit or vault or other subterraneous opening on any highway, or sidewalk, or to suffer the same to be left open, or to be in an insecure condition so that passersby shall fall in, or will be in any danger of falling into such cellar, pit or vault or other subterraneous opening, or to suffer any sidewalk in front of the premises owned or occupied by him to become or continue to be so broken as to endanger life and limb. (1960 Code § 3-403; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-4-3: DAMAGING SIDEWALK OR GUTTER:

It shall be prohibited for any person or persons to damage or tear up any pavement, sidewalk, curb or gutter without authority. (1960 Code § 3-404; amd. 2005 Code)

5-2-4-4: OBSTRUCTING TOWN WORK:

It shall be unlawful for any person to hinder or obstruct the making or repairing of any pavement, curb, sidewalk or crosswalk, which is or may be in the course of construction pursuant to any ordinance, resolution or order of the town council, or to hinder or obstruct any person employed by the town council, or the persons employed by him in making or repairing any public improvement or work ordered by the town council. (1960 Code § 3-405; amd. 2005 Code)

5-2-4-5: OBSTRUCTIONS ON STREETS OR ALLEYS:

It shall be unlawful for any person to erect or maintain any fence or other obstruction of any character, in or upon any street or part of any street within the incorporated limits of the town; provided, that the erection or maintenance of any obstruction shall be considered a separate offense for every day the same shall continue. (1960 Code § 3-406; amd. Ord. 923, 1-12-1982; 2005 Code)

5-2-4-6: EXCAVATION IN STREETS:

It shall be unlawful for any person, firm, or corporation to dig any hole, drain or ditch, in any street or alley in this town, without first having obtained written permission from the town marshal. When the excavations are completed, the hole, drain or ditch must be backfilled and tamped with material which will give an even and true grade. When excavation is made in graveled streets, gravel must again be placed to conform to the original surface of the said street. (1960 Code § 3-407; amd. 2005 Code)

5-2-4-7: REMOVAL OF MATERIAL FROM STREET:

It shall be unlawful for any person to, without having first obtained permission from the town marshal, dig, remove or carry away, or cause or procure the same to be done, any sod, stone, earth, sand or gravel, from any street, alley or public ground in this town. Every load or parcel removed shall be deemed a separate offense. (1960 Code § 3-408; amd. 2005 Code)

5-2-4-8: EXCAVATIONS TO BE FENCED:

No town officer, contractor or other person in this town shall make any excavation or dig any hole, drain or ditch in any highway or thoroughfare without providing, during the night, a temporary fence of suitable construction around or in front of the same, in order to prevent persons, animals or vehicles from falling into the same. (1960 Code § 3-409; amd. 2005 Code)

5-2-4-9: SCAFFOLDS TO BE SECURELY ERECTED:

All scaffolds erected in this town for use in the erection of stone, brick or other buildings shall be well and safely supported and of sufficient width and properly secured as to ensure the safety of the persons working thereon or passing under the same or by the same, against the falling thereof, or of such material as may be used, placed or deposited thereon. Any person who shall erect, or use or cause to be erected or used, any scaffold contrary to the provisions hereof, shall, upon conviction, be subject to penalty as provided in section 5-2-5 of this chapter. (1960 Code § 3-410; amd. 2005 Code)

5-2-4-10: PUTTING RUBBISH IN CREEK:

It shall be unlawful for any person working in a place of business, or the place of business, to deposit or throw any rubbish, ashes, paper boxes, tin cans or any other form of rubbish in the creek running through town. (1960 Code § 3-412; amd. 2005 Code)

5-2-5: PENALTY:

Violation of this chapter is a misdemeanor punishable as provided in section 1-4-1 of this code. (2005 Code)

CHAPTER 3
ANIMAL CONTROL
ARTICLE A. ANIMALS

Section:

5-3A-1: Prohibited Animals
5-3A-2: Penalty

5-3A-1: PROHIBITED ANIMALS:

It is unlawful for any person to keep, maintain, pasture, stable, corral, house, or allow to run at large within the corporate limits of the town any horses, cattle, sheep, goats, hogs, mules, donkeys, rabbits, llamas, predatory animals or fowl. (Ord. 1008, 9-12-1996)

5-3A-2: PENALTY:

- A. Violation: Violation of this article shall be punished as provided in section 1-4-1 of this code.
- B. Continuing Violation: Each day of violation shall constitute a separate offense.
- C. Costs: In addition to any fine imposed under this section, such violator shall be taxed not exceeding ten dollars (\$10.00) for costs. (Ord. 1008, 9-12-1996; amd. 2005 Code)

ARTICLE B. DOGS

Section:

- 5-3B-1: Definitions
- 5-3B-2: License Required; Fees
- 5-3B-3: Running At Large
- 5-3B-4: Vicious Dogs
- 5-3B-5: Barking, Whining Or Howling
- 5-3B-6: Dog Bites
- 5-3B-7: Rabies
- 5-3B-8: Annual Inoculation
- 5-3B-9: Torture Prohibited
- 5-3B-10: Period Of Impoundment; Redemption By Owner
- 5-3B-11: Destruction Or Adoption At Request Of Owner
- 5-3B-12: Disposal Of Carcass Or Remains
- 5-3B-13: Exemptions
- 5-3B-14: Interference With Animal Control Officers
- 5-3B-15: Female In Heat
- 5-3B-16: Fees
- 5-3B-17: Penalties

5-3B-1: DEFINITIONS:

As used in this article, terms will have meanings as follows:

ANIMAL CONTROL OFFICER: An employee of or employed by the town of Superior with responsibility for enforcing these regulations, or any peace officer.

AT LARGE: Any dog off the property of its owner and not under control of a competent person and thereby existing as a public nuisance.

DOG: Any of the canine species.

OWNED OR OWNER: Any person, partnership, or corporation owning, keeping, or harboring one or more dogs. A dog shall be deemed to be harbored if it is fed or sheltered for twenty (20) consecutive days or more. A person with custody or control of another person's dog is considered an owner for purposes of these regulations.

RESTRAINT: Any dog secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

TORTURE: Every act whereby unnecessary or unjustifiable pain or suffering of a dog is caused or permitted and specifically includes, but is not limited to, beatings, mutilations, burning, scalding, and suffocation.

VICIOUS DOG: Any dog displaying a dangerously aggressive or potentially violent nature specifically including, but not limited to, baring of teeth, growling, snapping and/or biting. (Ord. 996, 12-9-1993)

5-3B-2: LICENSE REQUIRED; FEES:

- A. Application: Any person who shall desire to keep any dog within the town shall make application to the town clerk-treasurer for a license to do so on or before June 15 of each year.
- B. License Fee: Fees for such licenses are set forth in section 5-3B-16 of this article.
- C. Tags: Along with the license for such dog, a tag will be furnished, which tag shall be of some metallic substance and shall have engraved or stamped thereon the year for which the same is issued and the license number.
- D. Register: It shall further be the duty of the clerk-treasurer to register in a book kept for that purpose the name of each applicant for a license hereunder, a description of the dog for which the license is paid and the number of each tag issued.
- E. Collar Required: It shall be the duty of the person paying for the license herein provided, to fasten the tag received from the clerk-treasurer securely about the neck of the dog for which the same was given by means of a strong strap or collar. The payment of the license herein provided, shall be no protection from the provisions hereof unless the requirements of this subsection are complied with.
- F. Unlicensed Dogs Running At Large: It shall be the duty of the animal control officer or peace officer to take up and confine in some secure place any dog found running at large after June 15 in any year not wearing a collar with a tag attached as provided in this section. (Ord. 996, 12-9-1993; amd. 2005 Code)

5-3B-3: RUNNING AT LARGE:

- A. Prohibited: All "dogs", as defined, shall be kept under "restraint" as defined. It is a public nuisance for one or more dogs to be running at large in the town. An animal control officer or peace officer may impound any dog at large or may issue to the owner of any such dog a citation, or both.
- B. Right Of Entry: An animal control officer or any peace officer may enter upon private property to capture any dog alleged to be or to have been at large.

- C. Capture By Individual: Any person finding any dog at large upon his property in the town may take up the same and remove it to the sheriff's office, dog shelter or facility.
- D. Notice Of Impoundment: If the name and address of the owner is known, the owner shall be notified by the animal control officer.
- E. Ownership Undeterminable: Dogs whose ownership cannot be reasonably determined may be impounded and destroyed by the animal control officer or any peace officer in a humane manner and in accordance with these regulations and the policies of the Sweetwater County sheriff's office.
- F. Disposition: Dogs so impounded shall be held for a period of five (5) days, after which time, dogs not claimed by their owners may be placed for adoption or humanely destroyed.
- G. Unable To Safely Capture: If any dog is at large and cannot be safely taken up and impounded, such dog may be slain by any animal control officer. Evidence of the fact that such dog has attacked or bitten any person at any place where such person is legally entitled to be shall be proof that the dog is vicious and cannot be taken safely.
- H. Restitution For Damages: Restitution for any damages to persons or property caused by a dog at large shall be paid by the dog's owner. (Ord. 996, 12-9-1993)

5-3B-4: VICIOUS DOGS:

- A. Threatening Person Or Property: Any dog attacking, harassing, or threatening any person, clothing of said person, or property, including, but not limited to, other animals owned by any person, in a vicious manner, at a time when the dog is off the owner's land, may be destroyed immediately by any person to protect the safety of that person or their property.
- B. Threatening Livestock Or Big Game: Any dog attacking, harassing, or threatening livestock or big game animals may be destroyed by the owner of the livestock, his agent, an animal control officer, or any peace officer. The owner of any such dog shall be subject to a fine as specified in section 5-3B-17 of this article.
- C. Restrictions On Owning, Keeping Or Harboring: No person shall own, keep or harbor or allow to be upon any premises occupied by him, or in, or under his charge or control, any vicious dog or dog that may manifest a disposition to bite anyone, without having the same properly secured and muzzled.
- D. Order For Destruction: If, under the provisions of this section and upon conviction of such person, it is found that said dog has bitten any person and it appears to the municipal judge that said dog is still living, said judge shall, in addition to the punishment provided for violation of this article, order any police officer to forthwith cause such dog to be killed. For that purpose, any officer charged with such duty shall have the right to enter upon any premises within the town. (Ord. 996, 12-9-1993)

5-3B-5: BARKING, WHINING OR HOWLING:

It shall be unlawful for any person to keep or harbor within the limits of the town any animal if that animal makes noise which disturbs the quiet of any neighborhood or person. It shall be the duty of the chief of police and/or municipal court judge to relocate any animal or have such an animal relocated if the relocation is the only manner of preventing such animal from making excessive noise. A violation of this Ordinance regulation may be punished by a fine of not more than seven hundred fifty dollars (\$750.00) to which shall be added costs. Each day any violation of this code or any such ordinance, rule or regulation continues, may constitute a separate offense. (Ord. 996, 12-9-1993; Ord. 1066 8-24-2017)

5-3B-6: DOG BITES:

Any person having knowledge that a dog has bitten a human shall immediately report the incident to the county health service or the sheriff's office, together with the name and address of the person bitten, if known. (Ord. 996, 12-9-1993)

5-3B-7: RABIES:

- A. Duty To Report: It shall be the duty of every licensed veterinarian to report to the county health service or the sheriff's office any dog considered by him to be a rabies suspect.
- B. Duty To Surrender Animal; Redemption: The owner of any such dog shall surrender it to a peace officer, animal control officer, or the county health service upon demand. Said dog may be reclaimed by the owner if it is adjudged free of rabies and upon payment of fees.
- C. Impoundment/Quarantine Of Suspect Animal: In the event a dog bites a person or is suspected of having rabies, it shall be confined or impounded and quarantined for a period of at least fifteen (15) days and not more than twenty (20) days to determine whether the dog has any disease which may be communicated to humans or destroyed, except that no dog shall be quarantined if the dog's owner presents a valid, current rabies vaccination certificate showing the dog has been vaccinated against rabies by a licensed veterinarian. At the discretion of the animal control officer, with the approval of the sheriff or other appropriate sheriff's office supervisor, the quarantine may be on the premises of the owner.
- D. Location Of Impoundment/Quarantine; Redemption Or Destruction; Costs: When a dog is impounded for quarantine, it must be so impounded and quarantined at a facility approved by the sheriff, or at a veterinary hospital of the owner's choice, or destroyed. If a quarantined dog is not reclaimed after the impoundment period, the dog may be placed for adoption or humanely destroyed. Even if the dog is not reclaimed, the owner remains liable for all fees and costs of impoundment and/or tests.
- E. Unable To Capture: If a quarantine cannot be imposed because the dog cannot be captured, the dog may be killed by an animal control officer or

peace officer in such a manner that preserves the head structure. After the dog is dead, the head is to be severed from the body and submitted for laboratory examination.

- F. Isolation: The animal control officer, custodian of the facility approved by the sheriff, or the veterinary hospital shall keep the dog quarantined in strict isolation.
- G. Supervision: Supervision shall include examination by competent authority within twenty four (24) hours of the bite or initial impoundment and on the fifteenth day of quarantine. If the observation period is not extended, and the dog has not exhibited any sign of rabies, it may be released from quarantine at the end of a fifteen (15) day observation period.
- H. Symptoms Exhibited: If it is determined by competent authority that a dog exhibits symptoms of rabies during the original or extended observation period, he or she shall notify the owner and the officer who ordered the quarantine and the dog control officer, peace officer, or veterinarian shall kill the dog. If the circumstances involved the dog biting a person, that person shall be notified. If, under these or any other circumstances, a dog dies of rabies, the county health services shall immediately send the animal's head to the appropriate laboratory for pathological examination and shall notify the proper public health officer of reports of human contacts and the diagnosis.
- I. Responsibility For Costs And Expenses: The owner of the dog is responsible for any expenses incurred in connection with keeping the dog impounded in an isolation facility and the supervision and examination expense, which costs might include preparation of the carcass for laboratory examination and the fee for the laboratory examination.
- J. Carcass Of Animal Dying From Communicable Disease: The carcass of any dog suspected of dying with a communicable disease shall, upon demand, be surrendered to an animal control officer, a peace officer, or the county health service.
- K. Animal Bitten By Suspect Animal:
 - 1. Duty Of Owner To Report: If any dog has been bitten by another dog suspected to have rabies, the owner of such dog so exposed to rabies shall report such fact to the county health services or the sheriff's office.
 - 2. Sheriff's Discretion To Place Animal Under Supervised Observation: The sheriff's office shall have the discretion to have the dog suspected of rabies or of being exposed to rabies removed from the owner's premises to a dog control shelter approved by the sheriff, and there be placed under supervised observation for the standard incubation period established by the department of health for the state of Wyoming for the particular species of dog with the expense to be paid by the owner in advance; provided, however, that the owner may elect in lieu thereof to have such dog destroyed. With the approval of the sheriff or other appropriate sheriff's office supervisor, the quarantine described above may be on the premises of the owner.
 - 3. Proof Of Vaccination: Upon submission of proof of previous and current vaccination by a licensed veterinarian, within time limits

generally accepted in the field of veterinary medicine, revaccination and restraint shall, at the discretion of the county health services or county sheriff, be sufficient.

L. Incubation Period; Necropsy: If a standard incubation period has not been established by the department of health of the state of Wyoming for the particular species of dog, it shall be summarily destroyed and, if involved with another dog or human, a necropsy shall be performed by a certified laboratory to determine rabies contamination.

M. Areawide Quarantine:

1. Power To Order; Term: When a confirmed report of an incidence of rabies is reported to and accepted by the county health service, the county health service may order a quarantine in such geographic area as it deems necessary within the county for a period of up to sixty (60) days, and upon declaring such quarantine, no dog shall be taken into the streets of any public place of said area during such period of quarantine.
2. Removal From Area Prohibited: During such quarantine, no dog may be taken or shipped from or into the quarantine area without permission of the county health service.
3. Extension Of Quarantine Period: In the event there are additional cases of rabies occurring during the period of areawide quarantine, such period of quarantine may be extended for an additional period of time as may be determined by the county health service.
4. Vaccination Required: During the quarantine period and as long afterward as deemed necessary by the county health service to prevent the spread of rabies, said authority may require that all dogs three (3) months of age and older within the quarantine area shall be vaccinated by a licensed veterinarian against rabies. All vaccinated dogs shall be kept under restraint for thirty (30) days after vaccination.
5. Adoption Of Stray Animals: No dog originating from a quarantined area which has been impounded by reason of its being a stray, unclaimed by its owner, shall be allowed to be adopted or released from any dog holding facility during the period of rabies emergency quarantine, except by special authorization of the county health service and with a current rabies vaccination by a licensed veterinarian. (Ord. 996, 12-9-1993)

5-3B-8: ANNUAL INOCULATION:

A. Arranged By Town: The town council, each year, shall make arrangements for a licensed veterinarian to appear one day for the purpose of inoculating dogs against rabies and the cost thereof shall be borne by the owner of said dog. The date when such licensed veterinarian shall be in the town shall be on or before June 15 of each year.

- B. Inoculation Required: No license shall be issued to any owner harboring or maintaining a dog unless the town clerk-treasurer is provided with a statement from a duly licensed veterinarian that said dog has been inoculated as provided in this article. All dogs hereafter brought into the town under six (6) months of age or raised in the town shall be inoculated against rabies before they become six (6) months of age.
- C. Public Notice: Each year, the town shall post four (4) notices at such public places as the council may determine stating the date when said licensed veterinarian shall appear in the town for the purposes mentioned in this section.
- D. Penalty: Penalties for violating the terms of this section are listed in subsection 5-3B-17E of this article. (Ord. 996, 12-9-1993)

5-3B-9: TORTURE PROHIBITED:

- A. Prohibited: It shall be unlawful for any person to "torture" a dog, as defined. Persons prosecuted under this section are subject to penalties as provided in Wyoming Statutes section 6-3-203.
- B. Power To Take Emergency Measures: Any animal control officer or peace officer may act and exercise emergency measures to prevent the torture of a dog.
- C. Notice Of Removal: When a dog is removed from its location to prevent torture, the individual removing the dog shall leave written notice of the removal in a secure and conspicuous location. The notice shall include the officer's name, business phone number, time and date of removal, and the location where the dog was delivered.
- D. Civil Liability: No animal control officer shall be held civilly liable for action under these regulations, provided said officer acted in good faith and without malice. (Ord. 996, 12-9-1993)

5-3B-10: PERIOD OF IMPOUNDMENT; REDEMPTION BY OWNER:

All impounded and found dogs shall be held for a period of five (5) days for the owners to claim. After the five (5) day holding period, dogs shall be made available for adoption for an additional period of ten (10) days. Holding periods for dogs suspected of rabies infection will differ. If the owner claims the dog, appropriate action is to be taken; citations may be issued and impound fees must be paid prior to dogs being released. (Ord. 996, 12-9-1993)

5-3B-11: DESTRUCTION OR ADOPTION AT REQUEST OF OWNER:

- A. Acceptance By Animal Control Officers; Fee: Animal control officers will destroy or accept for attempted adoption a dog at the request of the

- owner. A fee, specified in section 5-3B-16 of this article, will be designated for such services by the sheriff.
- B. Signed Release: Owners must sign a release provided by an animal control officer.
 - C. Time Restrictions: If the owner directs the dog to be destroyed, it shall be so destroyed as soon as is practical. If the owner opts for an attempted adoption, said adoption shall have occurred within ten (10) days, at the end of which period the dog will be destroyed. (Ord. 996, 12-9-1993)

5-3B-12: DISPOSAL OF CARCASS OR REMAINS:

Animal control officers will remove, haul, properly dispose of, or bury the carcass or remains of small dogs. Persons requesting such services shall pay a fee designated by the sheriff and specified in section 5-3B-16 of this article. (Ord. 996, 12-9-1993)

5-3B-13: EXEMPTIONS:

Dogs involved with and under the general control of law enforcement officers are exempt from provisions of these regulations. (Ord. 996, 12-9-1993)

5-3B-14: INTERFERENCE WITH ANIMAL CONTROL OFFICERS:

The sheriff's officers and town animal control officers shall have peace officer powers in the enforcement of these regulations and no person shall interfere with, hinder, molest, delay, obstruct, or abuse any animal control officer in the exercise of his or her duties, nor wilfully set any dog at large, or break or assist to break open any enclosure where the dog is confined. Persons prosecuted under this section are subject to penalties as provided in Wyoming Statutes section 6-5-204. (Ord. 996, 12-9-1993)

5-3B-15: FEMALE IN HEAT:

It shall be unlawful for the owner of any female dog to permit the same to run at large while in heat, and it shall be the duty of the animal control officer or peace officer to kill any such female dog by him found running at large while in heat, whether the owner thereof has complied with the provisions hereof in regard to licenses or not, and the animal control officer or peace officer shall not be required to take up and confine any such female dog, but may kill the same on sight. (Ord. 996, 12-9-1993)

5-3B-16: FEES:

- A. Impoundment:

1. First Impoundment: Any and all Animals seized by the Town shall be assessed a twenty-five dollar (\$25.00) impoundment fee per animal against the owner or keeper of said animal, plus a fee of seven dollars (\$7.00) per day for each day the dog has been impounded for the care and keeping of said animal, as well as repayment for any and all veterinary and/or specialized care and equipment for said animal. The day of the impoundment shall constitute one day; the day the owner reclaims the dog shall count as one day for fee purposes if the owner appears after twelve o'clock (12:00) noon. The impoundment fee is in addition to any fines or penalties imposed.
 2. Second And Subsequent Impoundments: On a per animal basis, the fee shall increase to fifty dollars (\$50.00) on the occasion of a second impounding of the same animal and written notice of future consequences shall be given. ~~All~~ On each subsequent impounding of the same animal, the fee shall double, but the animal control officer may destroy said dog, without notice to the owners, after the third redemption. The seven dollars (\$7.00) per day fee shall apply at any rate. Any issuance of a citation or summons against a particular dog may be considered an impoundment for the purpose of the escalation in fees and consequences under this section. (Resolution 2016-08 6-9-2016)
- B. Adoption Or Destruction: Any owner requesting destruction of a dog or its placement for attempted adoption shall pay a fee of five dollars (\$5.00).
- C. Removal, Hauling, Or Burying Carcasses: Any owner requesting that the carcass of a dog be removed shall pay a fee of ten dollars (\$10.00).
- D. Licensing:

Neutered Male dog \$5.00 each per year
 Spayed Female dog \$5.00 each per year
 Female & Male dog \$10.00 each per year

All fees associated with the impoundment, adoption, destruction, burying, removal, hauling and licensing of an animal shall be set by Resolution of the Town Council. Said fees may be differentiated based on the number of times an animal has been so treated, or the animals of an owner or associated with a particular property has been so treated, the sex and fertility of said animal, and any other relevant factor. In addition, the Town may require owners and/or keepers of an animal to compensate the Town for expenditures made on behalf of the animal's welfare while in its custody and control, including, but not limited to, veterinary care and medicines. (Ord 1057; 4-28-2016)

These fees and fines are subject to change upon resolution of the town council. (Ord. 996, 12-9-1993; Resolution 10-05, 5-24-2010; Resolution 10-14 7-8-2010)

5-3B-17: PENALTIES:

A. Dog At Large:

First offense	Not more than \$50.00
Subsequent offenses	Not more than \$750.00, or dog to be destroyed, or both

B. Dog Attacking, Harassing, Or Threatening Any Person: Not more than seven hundred fifty dollars (\$750.00), or dog to be destroyed, or both; however, in any case where it is found that a dog has bitten any person, said dog shall be destroyed.

C. Dog Attacking, Harassing, Or Threatening Livestock: Not less than fifty dollars (\$50.00) or more than seven hundred fifty dollars (\$750.00), or dog to be destroyed, or both.

D. Dog Barking, Whining, Or Howling:

First offense	Not more than \$25.00
Subsequent offenses	Not more than \$750.00

Upon conviction for a violation of any applicable provision of subsections A through D of this section, the court may, in addition to the monetary fines, order any further physical restraint of a dog, that the owner post warning signs, or that both restraint and signage be provided.

E. Inoculation: Any owner violating the rabies inoculation shall be fined in a sum not to exceed fifteen dollars (\$15.00). (Ord. 996, 12-9-1993)

F. Penalty Schedule: Notwithstanding anything to the contrary in the foregoing, the Town Council, may, from time to time, set a fee schedule for the assessment of penalties for the offenses contained herein.