

# ORDINANCE #1

## TOWN OF WOLF RIVER DOG ORDINANCE

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**Sec. 10-1. Title/Purpose**

The title of this ordinance is the Town of Wolf River Dog Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the Town of Wolf River.

**Sec. 10-2. Authority**

The Town Board of the Town of Wolf River has the authority under its village powers under s. 60.22, Wis. stats., and the specific authority under s. 60.23 (30), and Chapters 173 and 174, Wis. Stats., to adopt this ordinance.

**Sec. 10-3. Adoption of Ordinance**

By this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Wolf River Town Board present and voting, provides the authority for the Town to regulate the care, treatment, and control of dogs in the Town. This ordinance replaces the previous Town of Wolf River Dog Ordinance (Ordinance #1).

**Sec. 10-4. Statutes adopted.**

Wis. Stats. chs. 95 (Animal Health), 172 (Animals Distrained), 173 (Animals Doing Damage), 174 (Dogs), are adopted and incorporated by reference in this section, as well as future amendments thereto.

**Sec. 10-5. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) **"Abandon Dog"** means that a dog's known owner has failed to pay the impoundment, boarding vaccination or any other costs incurred by the Town, within 7 days after written notice from the Town's Code Enforcement Officer that the dog is under the possession and care of the Town or its designated agents. If the owner of the dog is not known, the Town's Code Enforcement Officer will post a notice in two local businesses within close proximity to where the abandon dog was found.
- (b) **"Running at large"** means to be off the premises of the owner and not under the control of a person by leash, but a dog within an automobile of its owner or of another person, with the consent of the owner, shall be deemed not at large.
- (c) **"Code enforcement officer"** means a person employed by the Town of Wolf River to enforce and prosecute all violations of the Dog Ordinance of which he has knowledge or information. The Duties of the Code Enforcement Officer is based on Ordinance 12 (effective April 13, 1993) and 12a (July 17, 1995), adopted by the Town of Wolf River Town Board.
- (d) **"Dog"** means any canine, regardless of age or sex.
- (e) **"Legal premise"** means the real property owned or occupied by the owner of the dog.
- (f) **"Owner"** means any person who owns, harbors or keeps a dog.
- (g) **"Pet"** means an animal kept and treated as a pet.
- (h) **"Spayed or neutered"** means a dog having nonfunctional reproductive organs.
- (i) **"Stray dog"** means a dog running at large whose owner is unknown.
- (j) **"Vicious dog"** means a dog that bites, inflicts serious injury, or exhibits aggressive behavior in an unprovoked manner to a person or persons in a single incident off the owner's premises, and such injury is substantiated by an eye- witness.

### **Sec. 10-6. Restrictions on Dogs**

It shall be unlawful for any person within the town to own, harbor or keep any dog or dogs which:

- (a). frequently or habitually barks, howls or yelps to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are declared to be a public nuisance. A dog is considered in violation of this section when two different written complaints, verified by the Town's Code Enforcement Officer or any other public official, are filed with the Town Board against such a dog within a four-week period.
- (b). habitually pursues any vehicle, bicyclist, or pedestrian upon any public road or highway in the town.
- (c). assaults or attacks, in an unprovoked manner, any person off the owner's premises.
- (d). is allowed to run at large within the town limits.
- (e). kills, wounds or worries any domestic animal or other dog.
- (f). is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (g). is unlicensed and/or untagged.
- (h). is not restrained from going upon any private lands or premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon. (see 10:12c)

### **Sec. 10-7. Exemptions from Section 10.6 Coverage**

- (a). A dog that is actively engaged in the Town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land in the Town that is open to hunting or land on which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog related outdoor events occurring in the Town where these events have been approved by the Town Board, or its designees.
- (b). A dog that is used by a law enforcement agency as defined in s. 165.83 (1) (b), Wis. Stats., in the Town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- (c). A dog that is untagged and kept in the Town for educational purposes as determined by the Town Board shall not be considered untagged for purposes of this ordinance.
- (d). A dog that is untagged and is kept in the Town for the blind, deaf, and mobility impaired as determined by the Town Board shall not be considered untagged for purposes of this ordinance.

### **Sec. 10-8. Rabies vaccination.**

- (a) Required. The owner of a dog shall have such animal vaccinated by a veterinarian against rabies within 30 days after the dog reaches five months of age, and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings such animal into the town after such animal has reached five months of age, the owner shall have such animal vaccinated against rabies within 30 days after such animal is brought into the town unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the animal revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).

- (b) **Issuance of certificate.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner of such animal a certificate of rabies vaccination bearing a serial number and in the form approved by the town stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the town.
- (c) **Copies of certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for such purpose until the date that the immunization expires or until the vaccinated dog is revaccinated, whichever occurs first.
- (d) **Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner of such vaccinated animal a rabies vaccination tag, made of durable material, bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian. The dog license tag shall also be on the same collar as the vaccination tag.
- (e) **Tab to be attached to collar; substitute tag.** The owner of a dog within the town shall attach the rabies vaccination tag or a substitute tag to a collar and such collar shall be kept on the dog at all times, but this shall not apply to a dog during competition or to a dog securely confined indoors. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. This subsection shall not apply to a dog which is not required to be vaccinated under subsection (a) of this section.
- (f) **Duplicate tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner of a dog in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record of such duplicate tag on file.
- (g) **Cost.** The owner of a dog shall pay the cost of the rabies vaccination, and the cost associated with the issuance of a certificate of rabies vaccination, and the delivery of a rabies vaccination tag.

### **Sec. 10-9. Dog License Tax**

- (a). The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:
  - 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
  - 2. Dogs that are kept only for educational purposes are not required to be licensed and are exempt from the dog license tax.
- (b). The Town Board will review the dog license tax annually and may consider adjusting the fee schedule in accordance with s. 174.05 (2), Wis. Stats.
- (c). The license year commences on January 1 and ends on the following December 31.
- (d). A late fee of \$5 shall be collected from every owner of a dog 5 months of age or over if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license on or before the dog

reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

- (e). Upon payment of the required license tax, and upon presentation of evidence that the dog is currently immunized against rabies, as required by section 10-8, the Treasurer shall complete and issue to the dog's owner a license for such dog containing all of the information required by state law. The Treasurer shall also deliver to the dog's owner, at the time of issuance of the license, a tag made of durable material bearing the same serial number as the license, the name of the county in which the license is issued and the license year.
- (f). The dog's owner shall securely attach the license tag (and vaccination tag) to a collar, which shall be kept on the dog at all times.
- (g). If a dog is running at large within the town without a tag attached to a collar, it shall be presumed that the dog is unlicensed. The Code Enforcement Officer may seize, impound or restrain any dog that does not have the required dog tag.
- (h). Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall annually receive a free dog license from the Treasurer upon application therefor.

#### **Sec. 10-10. Kennels.**

- (a). Any person who keeps or operates a kennel within the town may, instead of the license tax for each dog required by section 10-10, apply for a kennel license for the keeping or operating of a kennel. Such person shall pay for the license year a license tax as specified in the fee schedule on file with the Town Treasurer. Upon payment of the required kennel license tax and, if required by the Town Board, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. A kennel license shall only be issued for those premises zoned agricultural where a conditional use permit has first been obtained pursuant to the Town of Wolf River and/or the Winnebago County Ordinances that relate to dog kennels.
- (b). The owner or keeper of a kennel shall, at all times, keep the kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement shall not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. The kennel license tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached, at all times, to the dog for which it is issued, but this requirement shall not apply to a show dog during competition or to a dog securely confined indoors. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is on a leash or temporarily for the purpose of hunting, breeding, trial, training or competition.
- (c). At the time upon which the initial kennel license is applied for, a kennel structure designed to house dogs shall not be closer than 1,000 feet from any residence on adjacent properties.

#### **Sec. 10-11. Number of dogs allowed.**

- (a) **Purpose.** The keeping of a large number of dogs within the town for a considerable period of time detracts from and, in many instances, is detrimental to, a healthful and comfortable life in such areas. The keeping of a large number of dogs is therefor declared to be a public nuisance.

**(b) Limitation.**

- 1 No person shall own, harbor or keep in their possession more than three dogs per dwelling unit on any premises within the town without the prior approval of the Town Board, except that a litter of pups, or a portion of a litter, may be kept for not more than six months from birth. A person may keep more than three dogs only if such person has first received a kennel license and a conditional use permit.
- 2 A resident of the Town that wants to keep more than three (3) dogs on any premises (as set forth in subsection (b)(1) of this section) must apply for a Conditional Use Permit to obtain a kennel license. Once a Conditional Use Permit is requested for a kennel license, the Town Clerk shall forward the request to the Code Enforcement Officer. The Code Enforcement Officer shall make a recommendation to the Town Board prior to action on the requested conditional use.

**Sec. 10-12. Keeping dogs.**

**(a) Vicious dogs and animals.**

No vicious dog or animal shall be allowed off the premises of its owner unless such dog is muzzled or on a leash in charge of the owner or a member of the owner's immediate family who is over 16 years of age.

**(b) Running at large.**

No person having any dog or animal in his possession or ownership, shall allow such dog to run at large within the town. The owner of any licensed or unlicensed animal shall keep such dog tied, enclosed in a proper structure, within an invisible electronic fence, or properly trained to stay on the premises so as not to allow such animal to interfere with the passing public or neighbors. Any animal running at large contrary to this subsection shall be seized and impounded by the Town Code enforcement officer, or other Town Board designees for feral, abandoned or stray animals only.

**(c). Liability for damage caused by dogs; penalties.**

The provisions of Wis. Stats. § 174.02 relating to the owner's liability for damage caused by dogs, together with the penalties set forth in such statute, are adopted and incorporated in this subsection by reference.

**Sec. 10-13. Impoundment of animals.**

**(a) Code Enforcement Officer.**

The town delegates to the Town Code Enforcement Officer the authority to act pursuant to the provisions of this section. However, any person, including town officers and employees, may take into custody any dog running at large in the Town but shall timely deliver the dog to the Town Code Enforcement Officer, a designated kennel, dog pound or local animal shelter to provide care, treatment, or disposal of animals.

**(b) Right to impound; procedures.**

- 1 Upon a complaint, the Town Code Enforcement Officer is authorized to take into custody and impound (under s. 173.13, Wis. Stats) any dog which habitually pursues any vehicle, bicyclist or pedestrian upon any road or highway of the town, assaults or attacks any person, is at large within the town, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies.

- 2 In order for an animal to be impounded, the Town Code Enforcement Officer must either see or hear the violation of this section, or have in his possession a signed statement of a complaining witness alleging the facts regarding the violation.
  - 3 Animals in violation of this section may be trapped by designated agents of the town pursuant to statutory authority and in accordance with established, humane standards related to the welfare and disposal of such animals.
  - 4 Agents of the town shall comply with established administrative procedures concerning the trapping and disposal of animals.
  - 5 If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined, the Code Enforcement Officer shall call or provide written notice to the owner, and shall give a description of the animal, stating where such animal is impounded and the conditions for the release of such animal, including the provisions of Wis. Stats § 173.22, and the procedure that will be followed if the animal is unclaimed.
  - 6 If, within seven days after such notice, the owner does not claim such animal, the Town Code Enforcement Officer may dispose of the animal pursuant to Wis. Stats. § 173.23, provided, if the animal has bitten a person before such animal was impounded, the animal shall be retained in the animal shelter or at a veterinary office for a period of ten days for observation purposes.
  - 7 If, within seven days after the such notice, the owner claims the animal, said owner shall make full payment of all associated costs that have been incurred or related to dog ownership which may include an unpaid dog license tax and dog tag, and any custody, care, vaccination, and treatment costs incurred by the Town or veterinary clinic.
  - 8 Animals surrendered voluntarily by owners may be impounded for humane reasons upon payment of a surrender fee, established by the Town Board and set forth in the fee schedule on file with the town Treasurer
  - 9 When the dog is claimed, the owner will be required to sign a written warning. If another violation occurs by the same dog within one calendar year, the owner may be subject to a fine as prescribed in section 10-19.
  - 10 If the identity of the owner of a dog taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.
  - 11 Unclaimed stray dogs remaining in the custody of the Town for 7 days and abandoned dogs remaining in the custody of the Town for 7 days after issuance of the notice to the owner under Subsection (c), may be released to a person other than the owner, in accordance with s. 173.23 (Im) (a), Wis. Stats., euthanized under s. 173.23 (Im) (c), or released for scientific or research purposes under s. 174.13, Wis. Stats.
  - 12 All persons in the Town shall fully cooperate with the Town regarding dogs in the Town and shall answer frankly, fully, and truthfully all questions of the Town relative to dog ownership, possession, and keeping of dogs within the Town.
  - 13 The Town and its officers and agents shall comply with Chapters 173 and 174, Wis. stats.
- (c). **Sale of adoption of impounded animals.** If the owner of an impounded animal does not reclaim the animal within seven days, the animal shelter may sell or offer the animal for adoption to any willing person.
- (d). **Town not liable for impounded animals.** The town and/or its Town Code Enforcement Officer shall not be liable for the death of any animal that has been impounded or disposed of pursuant to this section.

**Sec. 10-14. Duty of owner in case of dog bite.**

Every owner or person harboring or keeping a dog who has knowledge that such dog has bitten a person shall immediately report such fact to the Town Code Enforcement Officer or Winnebago County Sheriff's Department, and shall keep such dog confined for not less than ten days, or for such period of time as Town Code Enforcement Officer shall direct. The owner or keeper of any such dog shall surrender the dog to a Town Code Enforcement Officer, upon demand, for examination.

**Sec. 10-15. Rabies Quarantine.**

For dog rabies and quarantine issues, see State Statutes 95.21 (Rabies Control Program)

**Sec. 10-16. Provision of proper food and drink to confined animals.**

No person owning or responsible for confining or impounding any animal within the town shall refuse or neglect to supply the animal with a sufficient supply of food and water as follows:

- (a). The food shall be sufficient to maintain all confined animals in good health.
- (b). Potable water shall be available at all times for all confined animals. When a dog is confined outdoors, during winter months, fresh water must be given in sufficient quantity and monitored periodically during each 24-hour period to prevent the water from freezing.

**Sec. 10-17. Proper shelter.**

No person owning or responsible for confining or impounding an animal within the town shall fail to provide the animal with proper shelter as set forth in State Statutes 951.14.

**Sec. 10-18. Neglected, abandoned or injured animals.**

No person may abandon an animal within the town. See regulations in State Statutes 95.15 for more detail on abandon or injured animals.

**Sec. 10-19. Violation; penalties.**

Any person, firm or corporation violating the provisions of this ordinance shall upon conviction thereof be subject to the following penalty:

- (a) **First Offense.** Any person firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not more than \$50.00 plus \$10.00 per day thereafter that the violation continues, together with the costs of prosecution, and in default of payment thereof shall be imprisoned in County jail until such forfeitures and costs are paid, but not exceed ten (10) days.
- (b) **Second Offense.** Any person firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not more than \$75.00 plus \$10.00 per day thereafter that the violation continues, together with the costs of prosecution, and in default of payment thereof shall be imprisoned in County jail until such forfeitures and costs are paid, but not exceed ten (10) days.
- (c) **All Subsequent Offenses** by any person, firm or corporation violating any of the provisions of this ordinance shall, upon conviction thereof, forfeit not more than \$100.00 plus \$10.00 per day thereafter that the violation continues, together with the costs of prosecution, and in default of payment thereof shall be imprisoned in County jail until such forfeitures and costs are paid, but not exceed ten (10) days.

**Sec. 10-20. Severability**

If any provision of this ordinance of its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision of application, and to this end, the provisions of this ordinance are severable.

**Sec. 10-21. Effective Date**

This ordinance is effective on publication. The Town Clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 28<sup>th</sup> day of November 2005.

Randal Rutten, Chairman

Attest:

Susan Gilbert, Town Clerk