

TOWN OF RED CEDAR DOG ORDINANCE

ORDINANCE NO.: 2016 - 12

It is hereby ordained by the Town Board of the Town of Red Cedar, Dunn County, Wisconsin, as follows:

Section 1 – State Statutes Adopted

Wisconsin Statutes § 95 (Animal Health), 173 (Animals: Humane Officers), 174 (Dogs), and 951 (Crimes Against Animals), are adopted by reference. If there is a conflict between the provisions of Wisconsin Statutes and this Ordinance, the provisions of this Ordinance shall apply except in those cases where State Statutes are preemptive.

Section 2 – Purpose

This Ordinance is hereby adopted in the interest of promoting the public's health, safety and welfare and in protection of the Town's animal population. Dogs which are unlicensed, running at large, disturbing the peace, or are owned or harbored in violation of this Ordinance, are detrimental to the public's health, safety and welfare and are declared to be a public nuisance.

Section 3 – Licensing of Dogs; Rabies Vaccination Required

- A. All dogs over five months of age must be licensed pursuant to Town regulations and Wis. Stats. § 173 and 174. No person shall own any dog within the Town limits or permit any dog on any property legally owned by the person for a period of more than 30 days unless such dog is licensed. All persons owning or keeping dogs within the Town shall contact the Town Treasurer for information on obtaining a license. Dog licenses are valid for the year issued and expire on December 31st of each year. Dog licenses are to be purchased on an annual basis after January 1st or on or before the date during the year the dog becomes five months of age. Proof of rabies vaccination (a copy of an up-to-date Rabies Vaccination Certificate) is required before a license will be issued. A late fee will be assessed if a dog owner fails to obtain a license prior to April 1st of each year, or within 30 days of acquiring ownership of a licensable dog or establishing residency in the Town of Red Cedar. Additional fines and penalties may be established under the Town Schedule of Fees and Citation Ordinance No. 2015-6. These fees may be increased from time to time by resolution of the Town Board. The license fees collected shall be divided among the Town, County and State as provided in Section 174.08 and 174.09 of the Wisconsin Statutes. Other penalties for nonpayment of license fees or other violations of Chapter 174 may be imposed.
- B. Rabies vaccination. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian pursuant to Wisconsin Statutes.
- C. The owner of any dog shall keep a valid tag securely fastened to the dog's collar or harness which must be worn by the dog at all times except when the dog for which the license is issued is indoors or covered by an exception in this Ordinance or in Wisconsin Statute 174.

Section 4 – Regulation of Dogs

- A. Running at Large Prohibited. No owner of any dog shall permit such dog to run at large within the Town. A dog shall not be considered to be at large if accompanied by the owner while walking or is secured to a leash, chain or rope, under the control of any person, or if confined within a fenced enclosure. A dog shall not be considered to be at large if it is actively engaged in a legal hunting activity, including training, if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. Every law enforcement officer, Town Board member, or animal warden shall apprehend any dog running at large contrary to this section, and shall confine the same to an appropriate dog pound. A reasonable attempt shall be made to contact the dog owner. Owners are encouraged

to have microchips implanted to prove ownership. The owner of any dog so confined in the dog pound may reclaim the same upon the payment of all costs and charges incurred by the Town in apprehending and keeping said dog. Dogs not reclaimed by their owners will be disposed of pursuant to Wis. Stats. § 173 and 174.

- B. **Animal Warden.** The Town may contract for the services of an animal warden who shall be designated as Animal Warden of the Town. Said contract may include provisions for using facilities owned or maintained by said animal warden as and for Town dog pound.
- C. **Unlicensed Dogs.** Any law enforcement officer, the animal warden or Town Board member may apprehend any unlicensed dog pursuant to this Ordinance and Wis. Stats. § 173 and 174.
- D. **Dangerous Dogs.** "Dangerous Dog" means any dog which constitutes a physical threat to human beings or to other domestic animals by virtue of a known history by an unprovoked assault or bite so as to cause bodily harm. Dangerous Dog also includes a dog trained, owned or harbored for the purpose of dog fighting.
 - (1) A dog shall not be deemed dangerous solely because of an incident where:
 - a. It bites, attacks or menaces anyone assaulting its owner.
 - b. It bites, attacks or menaces a trespasser on the property of the owner of the property.
 - c. It bites, attacks or menaces any person (or other animal) who has tormented or abused it.
 - d. It is acting in defense of an attack from a person or other animal upon its owner or other person.
 - e. It is protecting or defending its young or another animal on its own home territory.
- E. **Barking Dogs; Nuisance Dogs.** No person shall harbor any dog within his care or custody which shall continuously bark or create a continuous or intermittent noise or disturbance, or allow such animals to make any unusual or unnecessary noise to the disturbance of the neighborhood, or to people passing upon the roadways. No person shall harbor any dog which is at large or by frequent and habitual howling, yelping, barking, or other noise, shall cause serious annoyance or disturbance to persons or to a neighborhood or habitually pursues any vehicle upon any public street or highway.
- F. **Dogs Infected with Rabies.** Pursuant to Wis. Stat. § 95.21, any law enforcement officer, animal warden, or Town Board member who has reason to believe a dog may be infected with rabies, may take lawful steps to capture and quarantine a dog, or if quarantine and capture is not possible, the law enforcement officer, animal warden, or Town Board member may kill such dog.
 - (1) Any person who suspects that a dog is infected with rabies shall report his or her suspicion to a law enforcement officer, the animal warden, or Town Board member, describing the dog and giving the name of the owner, if known.
 - (2) No person shall knowingly harbor or keep any dog infected with rabies or any dog known to have been bitten by a dog known to have been infected with rabies, or fail to report to a law enforcement officer, animal warden or Town Board Member the existence of a dog which he or she knows to be infected with rabies.
- G. **Dog Which Bites Persons.** Every owner or keeper of a dog and every other person who knows that a dog has bitten any person shall immediately report such fact to the Dunn County Sheriff's Department.
- H. **Abandonment, Mistreatment or Cruelty Prohibited.** It shall be unlawful for anyone to knowingly abandon or abuse any dog. Each person who does abandon or abuse knowingly or willingly permits this abandonment or abuse or aids in the abandonment or abuse of any animal shall be in violation of this chapter and shall be subject to the penalties as herein provided. In addition, the provisions of Wis. Stat § 951 may be enforced by a Law Enforcement Officer, Animal Warden, or Town Board member.

I. Dog Fighting. Canine or canine hybrid fighting is prohibited.

J. Duties of all Dog Owners.

- (1) For the purposes of this Ordinance, a dog "owner" includes any person who owns, harbors, keeps or controls an animal, whether that person claims ownership or not.
- (2) It shall be the duty of every owner of any dog or anyone having any dog in their possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their dog's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- (3) It shall be the duty of every owner of any dog, or anyone having any dog in their possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the dog from leaving, while unattended, the real property limits of its owner, possessor or custodian.
- (4) It shall be the duty of the owner of any dog or anyone having a dog in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor or custodian.
- (5) Failure to keep any dog confined or under restraint as provided for in this Ordinance shall be unlawful and shall be punishable as herein provided.
- (6) Any violation of this Ordinance that would be, by the literal language of this Ordinance, a violation by a dog is deemed a violation by the owner of that dog.

K. Penalties.

- (1) Citations. Any Town Board member, the Town Animal Control Officer if one exists, and any Law Enforcement Officer may issue citations for any violation of this Ordinance pursuant to the Town Citation Ordinance.
- (2) First Offense. Any person who shall violate any provision of this Ordinance is subject to fines outlined in the Towns current Schedule of Fines and Citations Ordinance.
- (3) Second Offense. Any person found guilty of violating any provision of this Ordinance who has previously been convicted of a violation of the same Ordinance offense within one year of the date of such conviction shall, upon such second conviction, forfeit a fine as outlined in the Towns current Schedule of Fines and Citations Ordinance.
- (4) Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense.
- (5) In addition to any forfeiture imposed, an animal owner who allows an animal to run at large or to otherwise be in violation of this chapter shall be required to pay all costs the Town incurs in enforcing this chapter, including but not limited to costs for animal pickup, kenneling, boarding, impound fees, or other costs related to dealing with the animal which is in violation of this chapter. If costs are not paid, the Town shall bill the animal owner for all costs incurred by the Town. If the animal owner does not pay said costs within 30 days, pursuant to its authority under Wis. Stat. § 66.0627, the Town shall impose said costs as a special charge against any real estate where the animal resides, or is being harbored or kept. Said special charge

shall become a lien upon the property for collection along with real property taxes. Landlords shall be notified of renter violations. All relevant correspondence sent to the renter will also be sent to the landlord.

- (6) Other Enforcement. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action, including an action for injunctive relief, to prevent or remove a violation of any provision of this Ordinance.

Section 5 – Interpretation

The provisions of this Ordinance shall be liberally construed in favor of the protection of the health, safety and welfare of the public, and of the Town, and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.

Section 6 – Severability and Conflict

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. This Ordinance is not intended to repeal or overrule any other existing Ordinance or Town regulation, except that where a conflict between this Ordinance and another Ordinance occurs, the provisions of this Ordinance shall apply.

Section 7 – Effective Date

Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication as provided by Wis. Stat. § 60.80(2) and (3).

The foregoing Town of Red Cedar Dog Ordinance was enacted by a majority vote of the Town Board of the Town of Red Cedar on the 12th day of September, 2016.

[Signature]
Town Board Chairperson

[Signature]
Supervisor 1

[Signature]
Supervisor 2

[Signature]
Supervisor 3

[Signature]
Supervisor 4

Attest:
[Signature]
Clerk

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