

ORDINANCE # 2
RELATING TO DOG CONTROL
TOWN OF WYOCENA

The Town Board of Supervisors of the Town of Wyocena, Columbia County, Wisconsin, does ordain as follows:

Section 1 - Title

This ordinance shall be named the Dog Control Ordinance. Any previous ordinances enacted by the Town of Wyocena in conflict herewith are repealed.

Section 2 - Authority

The Town Board of the Town of Wyocena has been granted village powers pursuant to Sec. 60.10 Wis Stats. and the Town Meeting dated March 7, 1964.

Section 3 - Definitions

In this ordinance, unless the context or subject matter requires otherwise, the following definitions shall be applicable:

- A. "Owner" shall mean any person owning, harboring, or keeping a dog and the occupant of any premises on which a dog remains or to which the dog customarily returns daily for a period of ten (10) days, is presumed to be harboring or keeping the dog within the meaning of this section.
- B. "At large" shall mean to be off the premises of the owner and not under the control of some person either by leash or physical means of restraining a dog, but a dog within an automobile of its owner or in an automobile of any person with the consent of the dog owner shall be deemed to be upon the owner's premises.
- C. "Officer" shall mean a designated officer appointed by the Town Board of the Town of Wyocena to enforce this ordinance.

Section 4 - General Licensing of Dogs

It shall be unlawful for any person in the Town of Wyocena to own, harbor, or keep, any dog more than six (6) months of age without complying with Chapter 174 of Wisconsin Statutes *for any reason*. All dogs must have a current rabies vaccination certificate signed by a veterinarian (WI Stat. 95.21).

Section 5 - Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals

It shall be unlawful for any person within the Town of Wyocena to own, harbor, or keep any animal which:

- A. Is at large within the Town of Wyocena;
- B. Habitually pursues any vehicle upon any public street or highway in the Town of Wyocena;
- C. Assaults or attacks any person off the premises of the owner(s);
- D. Habitually barks or howls to reasonable annoyance of any person or person(s). It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls or 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 and cats are hereby declared to be a public nuisance*. A dog or cat is considered to be in violation when two (2) formal, written complaints are filed with the Town Board within a four (4) week period.
- E. Kills, wounds, or worries any domestic animal;

- F. Is over six (6) months of age, and has not been issued a valid license under the provisions of this ordinance and/or Chapter 174 of Wisconsin Statutes;
- G. Is known by the owner to be infected with rabies, or have been bitten by an animal known to have been infected with rabies, and such owner fails to quarantine the dog as required by Section 95.21, Wisconsin Statutes.

Section 6- Incorporation of Rabies Control Program

Sec. 95.21 of Wisconsin Statutes is hereby incorporated by reference and made a part of this ordinance. Any provisions of this ordinance shall be read in conjunction with the Wisconsin Statutes Sec. 95.21; however, it is the intent to make its ordinance more restrictive pursuant to Sec. 95.21(9).

Section 7 - Duty of Owner In Case of Dog Bite

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Columbia County Sheriff's Department and shall keep such dog confined for not less than fourteen (14) days or for such period of time as the Sheriff's Department shall direct. The owner or keeper of any such dog or cat shall surrender the animal to the Columbia County Sheriff's Department or whomever they ordain.

Section 8 - Number of Dogs

It shall be unlawful for any person to keep more than three (3) domestic dogs over six (6) months of age in any household within the Town unless a kennel permit has been issued by the Town's listing official.

Section 9 - Licenses

The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any Constable, Police, Sheriff's Deputy or Humane Officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

Section 10 - Neglected or Abandoned Animals

If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or does not within five (5) days after notice redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.

Whenever in the opinion of the Constable or Deputy Sheriff, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery it shall be lawful for such officer to kill such animal in a proper and humane manner and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

Section 11 - Penalty

Any person, firm or corporation whose animal is detained and in the care of the Town Constable or a Sheriff's Official shall be charged a boarding fee of Five Dollars (\$5.00) per day. Any person, firm or corporation who shall violate any provision of this ordinance shall be fined. The first offense will be fined a minimum of Twenty-five Dollars (\$25.00) but not more than Two Hundred Dollars (\$200.00). The second offense will be fined a minimum of Fifty Dollars (\$50.00), but not more than Three Hundred Dollars (\$300.00). The third and subsequent offenses will be fined a minimum of One Hundred Dollars (\$100.00) but not more than Five Hundred Dollars (\$500.00). Any person, firm or corporation who is in default of payment of such fines or boarding fees, together with the costs of

prosecution, shall be imprisoned in the County Jail until costs and forfeitures are paid, but not exceeding thirty (30) days.

Each violation and each day a violation continues or occurs shall constitute a separate offense. The check or money order for these fines shall be made payable to the Town of Wyocena.

Section 12 - Effective Date of Ordinance

This ordinance shall take effect upon passage and posting as provided by law.

Section 13 - Listing Official

The Town hereby designates the Elected Treasurer as Listing Official for dog licensing purposes.

The foregoing ordinance was adopted at a regular meeting of the Town Board of Wyocena on the 20th day of November, 1997.

Filed this 20th day of November, 1997.