

Chapter 150

REGULATION AND LICENSING OF ANIMALS

[HISTORY: Adopted by the Town Board of the Town of Erin xx-xx-xxxx by Ord. No. 24-06 Amendments noted where applicable.]

GENERAL REFERENCES

Dog and Horse Boarding Ch. 145

§ 150-1. Title.

This article shall be known as the "Town of Erin Regulation and Licensing of Animals Ordinance."

§ 150-2. Areas to which this article applies.

This article applies to all lands within the Town of Erin.

§ 150-3. State statutes and Administrative Code adopted.

Pursuant to the statutory authority granted to the Town, the provisions of Ch. 95 Animal Health, Ch. 173 Humane Officers, Ch. 174 Dogs, Ch. 944.18 Bestiality, and Ch. 951 Crimes Against Animals, Wis. Stats., are adopted and made a part of this chapter by reference. A violation of any of such provisions shall constitute a violation of this chapter. Administrative Code of Department of Agriculture, Trade and Consumer Protection (ATCP) Chapters 10 Animal Diseases and Movement, Chapter 12 Animal Markets, Dealers, and Truckers, and Dog Sellers and Dog Facility Operators are also adopted.

§ 150-4. Definitions

In this section, unless the context of subject matter otherwise require the terms used shall be defined as follows:

ANIMAL

Any living creature other than a human being that raised and/or maintained in confinement or that is intended to be or is kept as a pet. It shall include, without limitation, the following: dogs, cats, domesticated horses, mules, cattle, sheep, goats, swine, fowl, geese, turkeys, emus, llamas, chickens, peacocks and confined domestic hares and rabbits, pygmy goats, potbellied pigs.

ANIMAL FANCIER

Any person or persons in a property/residence who keeps, harbors, raises, or possesses more than three cats over the age of five months or any person or persons in a property/residence who keeps, harbors, raises, or possesses more than three dogs over the age of five months and obtains a permit for housing such animals. All such animals must be owned by the person or persons in a property/residence.

ANIMAL SHELTER

Any premises designated by the Town Board for the purpose of impounding and caring for all animals found at large in violation of this chapter.

AT LARGE

When any animal is off the property of its owner and is on any public highway, school grounds, public park, or other public grounds or any private property without the permission of the property owner. Also, the animal is not under the control of a person over the age of 14 or person capable of physically restraining or otherwise safely handling the animal.

CANINE ANIMAL

All members of the family Canidae except foxes.

CAT

All domesticated members of the Felis catus family, male or female.

DANGEROUS ANIMAL

Means any one or more of the following:

- a. Any animal that has killed a person, domestic pet or other animal with or without provocation.
- b. Any animal that, without provocation, inflicts bodily harm (meaning requiring treatment by a health care provider) on a person, domestic pet or animal on public or private property.
- c. Any animal that chases or approaches a person in a menacing fashion or apparent attitude of attack without provocation upon the roads, sidewalks, or any public grounds or on private property without the permission of the owner or person in lawful control of the property.
- d. Any animal that has been declared dangerous or vicious, banished from or ordered to be destroyed by any other municipality or county.
- e. Any dog trained, owned, or harbored for the purpose of dog fighting, or attacking persons.

DOG

All domesticated members of the Canis familiaris family, male or female.

DWELLING UNIT

One or more rooms, including the bathroom and the complete kitchen facilities, which are arranged, designed for, or used as living quarters for one family or household.

EXPOSED TO RABIES

An animal that has been bitten by or come in contact with any animal known to have been infected with rabies.

HUMANE OFFICER

An individual appointed by the Town under § 173.03, Wis. Stats., certified by the State of Wisconsin, empowered to enforce the provisions of Ch. 95 Animal Health, Ch. 173 Humane Officers, Ch. 174 Dogs, Ch. 944.18 Bestiality, and Ch. 951 Crimes Against Animals, Wis. Stats., Administrative Code of Department of Agriculture, Trade and Consumer Protection (ATCP) Chapters 10 Animal Diseases and Movement, Chapter 12 Animal Markets, Dealers, and Truckers, and Dog Sellers and Dog Facility Operators. The individual is also empowered to enforce any ordinances relating to animals enacted by the Town of Erin.

NEUTERED MALE DOG

Any male dog that has been operated upon to prevent reproduction.

OWNER

Any person owning, keeping, or harboring an animal. The occupant of any premises on which an animal remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring, sheltering, or keeping an animal within this definition.

RESTRAINT

A dog controlled by a leash, under control of a person and obedient to that person's commands, on or within a vehicle being driven or parked on the roads, or within the property limits of its owner or keeper.

SPAYED FEMALE DOG

Any female dog that has been operated upon to prevent conception.

VICIOUS DOG

Any dog with a propensity, tendency, or disposition to attack, assault, cause injury, or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

Any dog that attacks a human being or another domestic animal without provocation.

Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

§ 150-5. Investigation

For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, any law enforcement officer or Town Humane Officer, is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that a law enforcement officer may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in his or her opinion, it requires removal from the premises.

§ 150-6. Pet waste

If a domesticated pet, such as a dog or cat, defecates on public land or property of another, the pet owner shall immediately remove the feces in a sanitary manner.

§ 150-7. Farm Animals and Fowl Not to Run at Large

No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the town.

§ 150-8. Keeping of livestock and poultry

No person shall keep or maintain any livestock, such as horses, cattle, sheep, goats, rabbits, or poultry, except in zoning districts and parcels permitting such use as outlined in the Chapter 360 of Town Code.

§ 150-9. Restriction on Number of Animals

Any residence, duplex, business, firm, corporation, or property is subject to the following limitations:

- A. 1-3 Dogs: No additional restrictions.
- B. 4-6 Dogs: Kept for strictly non breeding, sale, or sporting purposes. An animal fancier's permit is required.
- C. More than 6 Dogs: Kept for any purpose, on a property or residence for any length of time, requires a Kennel License issued by the Town. A Conditional Use Permit issued by the Plan Commission is also required.
- D. 1- 3 Cats: No additional restrictions.
- E. More than 3 Cats: Must have an animal fanciers permit, with a maximum of 6 cats allowed. This does not apply to cats on Agricultural lands or farms.

§ 150-9. Licenses and Permits: Regulation and Licensing of Dogs

- (A) Required. It shall be unlawful for any person in the Town to own, harbor, or keep any dog more than five months of age without complying with the provisions of §§ 174.05 to 174.09, Wis. Stats., relating to the listing, licensing, and tagging of the dog. There is imposed a Town dog license fee, payable to the Town Treasurer

or designee, which includes a dog license fee imposed under § 174.05(2) and (3), Wis. Stats., in the amounts set by the Town fee schedule for spayed or neutered dogs.

- (B) Late fees. The Town Treasurer or designee shall assess and collect a late fee established by the Town fee schedule from every owner of a dog five months of age or older if the owner failed 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 failed to obtain a license before the dog reached licensable age.
- (C) Lost license tag. If a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag from the Town Treasurer or designee upon the payment of the amount set by the Town fee schedule.
- (D) Change of ownership. If there is a change of ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his or her name upon payment of a transfer fee set by the Town fee schedule.
- (E) Transfer. No person shall use for any animal a license receipt or license tag issued for another animal.
- (F) Collections. The Washington County Humane Society is authorized to collect funds and issue dog licenses on behalf of the Town.

§ 150-10. Rabies vaccination required

It shall be unlawful for any person to keep a dog in the Town that is over five months of age and has not received a rabies vaccination as required by § 95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in § 95.21(2)(f), Wis. Stats.

§ 150-11. Dogs at Large

No person having in his possession or under his control any dog shall allow the same to run at large within the town. An animal shall not be deemed to be at large if any of the following provisions apply:

- A. It is attached to a leash not more than 6 feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.
- B. It is properly restrained within a motor vehicle.

- C. It is engaged in the act of hunting or training for show, field trial or obedience trial purposes, in control of its owner or his agent competent to govern such animal at such distance, and not annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.
- D. Any dog, fowl or other animal that is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.
- E. Subject to impoundment. Any law enforcement officer shall attempt to capture and restrain any dog running at large.
- F. A town law enforcement officer, humane officer, Washington County Sheriff, or other person restraining a dog running at large shall turn over such dog to the Humane Society. The boarding fee for impounded dogs shall be the current county fees. The keeper of the Humane Society shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.

§ 150-12. Release of dog to owner or representative.

- A. The Humane Society may release the dog to the owner or his or her representative if the owner or representative:
 - B. Gives his or her name and address.
 - C. Presents evidence that the dog is licensed and vaccinated against rabies.
 - D. Pays the dog's boarding fee, as provided in the current schedule.

§ 150-13. Release of dog to person other than owner

- A. If the owner of the dog is unknown or does not reclaim the dog within seven days, the Humane Society may release the dog to a person other than the owner if such person:
 - B. Gives his or her name and address.
 - C. Signs a statement agreeing to license the dog and have the animal vaccinated against rabies.

§ 150-14 Disposition of dog

- A. If the dog is not released to the owner or other person in seven days, the Humane Society of the dog as provided in § 174.13, Wis. Stats., or dispose of the dog in a proper and humane manner.

§ 150-15. Untagged dogs

- A. Untagged dog. A dog is considered to be untagged if a valid license tag is not attached to a collar that is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
- B. Subject to impoundment. Any law enforcement officer shall attempt to capture and restrain any untagged dog.

§ 150-16. Duty to report dog bite

Every person, including the owner or person harboring or keeping a dog, who knows that a dog has bitten any person shall immediately report such fact to the town or Washington County Sheriff.

§ 150-17. Barking or howling dogs

No person shall own, keep, harbor, or have in his or her possession any dog within the Town which, by frequent or habitual howling, yelping, barking, or other disturbing noise, individually or together, offends the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. For purposes of a violation under this section, when the person alleged to have violated this section owns, keeps, harbors or has in his or her possession more than one dog of the type causing the disturbance, it is not required to identify the particular dog causing the disturbance. Each day that such disturbance continues or occurs gives rise to a separate offense.

§ 150-18. Restrictions on Keeping of Dogs

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

- A. Habitually pursues vehicles upon any road, alley or highway.
- B. Molests passersby or assaults or attacks any person without provocation.
- C. Is at large within the limits of the town.
- D. Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals.
- E. Kills, wounds or worries any domestic animal.

§ 150-19. Duty to Report Animal Bite

Every person, including the owner or person harboring or keeping a dog or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Washington County Sheriff's Department.

§ 150-20. Prohibited generally

- A. No person shall harbor or keep a Dangerous Animal or Vicious Dog within the Town. A dog is deemed to be a Dangerous Animal or Vicious when it has attacked or bitten any person or when a propensity to attack or bite persons exists and is known or reasonably should be known to the owner. Any Dangerous Animal or Vicious Dog which is found off the premises of its owner may be seized by any law enforcement officer, Washington County Sheriff's Deputy, or humane officer and may be destroyed upon establishing to the satisfaction of a competent court with jurisdiction the vicious character of such dog or animal.
- B. Notwithstanding Subsection A of this section, a law enforcement officer or humane officer may kill or tranquilize a vicious dog if he or she determines that it is necessary to take such action to prevent real and immediate personal injury to any person, including himself or herself.

§ 150-21. Determination of status; appeal

- A. The Washington County Sheriff's Department, Town law enforcement officer and/or humane officer shall investigate every animal complaint. The town officer or Humane Officer may make a determination as to whether or not such dog or other animal is vicious as defined in § 150-20. If the Chief/enforcement officer or Humane Officer makes a determination that a dog is vicious, he or she shall so inform the owner, keeper, or harbinger of such dog and provide such person with a copy of this article.
- B. Any person aggrieved by the determination of the Chief/enforcement officer or Humane Officer, as provided in Subsection A of this section, may appeal such determination to the Town Board.

§ 150-22. Compliance required

Within 10 days of the determination that a dog is vicious, as outlined in § 150-21A, or 10 days after an unsuccessful appeal under § 150-21B, the owner of said vicious dog or Dangerous Animal shall relocate the offending dog out of the Town or have it destroyed.

§ 150-23. Disposition

Any Vicious Dog or Dangerous Animal that attacks a human being or domestic animal may be ordered destroyed by a law enforcement officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

§ 150-24 Exceptions for Service Animals

Service animals are exempt from the ordinance restrictions regarding presence in buildings and other areas while providing services to the person designated to receive their services.

§ 150-25. Possession of Animals

- A. It shall be unlawful to possess, or transport through the town, dogs or other animals transported from a foreign state:
 - a. Without veterinary certifications
 - b. Without appropriate approvals from the Wisconsin Department of Agriculture, Trade and Consumer Protection
 - c. With intent to resell, unless properly licensed
- B. It shall be unlawful to possess any animal in violation of Town Zoning Code

§ 150-26. Enforcement.

- A. Any law enforcement officer or authorized Town official may issue a citation alleging a violation of this chapter.
- B. The Town Board shall appoint a humane officer either through a contract with the Washington County Humane Society, or a town employee, who shall have the qualifications required and exercise the powers set forth by Ch. 173, Wis. Stats., and all subsequent amendments. Such appointment may be made upon such terms and conditions as the Town Board shall deem necessary and which are not in conflict with state law. Such appointment shall be renewed bi-annually by operation of this chapter, unless the Town Board appoints another person or contracts with another organization to this position prior to an annual renewal date.
- C. Pursuant to Ch. 173, Wis. Stats., and all subsequent amendments, abatement orders of the humane officer may be appealed to the Town Board who may modify or withdraw such orders.

§ 150-27. Severability Clause.

Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

§ 150-28. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

§ 150-29. Violations and penalties.

Any person who shall violate any provision of this chapter, or any regulation, rule or order made hereunder, or permit or cause a public nuisance shall be subject to a forfeiture of not less than \$30 nor more than \$2000, together with the costs of the action, and, in default of payment, be imprisoned in the county jail for a period not to exceed 120 days. Each day a violation occurs constitutes a separate violation.