

ORDINANCE _____

Town of Calamus, Dodge County
Animal Control Ordinance

1.1 Title

This ordinance shall be known as the Animal Control Ordinance, Town of Calamus, Dodge County.

1.2 Purpose

This ordinance is intended to regulate the control of animals within the Town of Calamus in order to promote the public health, safety and general welfare of the Community.

1.3 Authority

The Town Board of the Town of Calamus has the specific authority, powers and duties granted by Section 174 of the Wisconsin Statutes.

1.4 Definitions

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section:

Animal means any live, vertebrate creature, domestic or wild.

Animal at Large means an animal that is off the property of the owner and not under restraint.

Confined means restriction of an animal at all times by the owner, or his agent, to a building, vehicle or other enclosure.

Kennel means and includes

(1) Noncommercial kennels means any not for profit business that, as a home occupation, if allowed under the Dodge County Zoning Ordinance and any town ordinances, keeps, maintains, harbors, or possess more than 4 dogs for the purpose of housing unwanted dogs and pending adoption.

(2) Commercial kennel means a for profit business engaged in offering boarding, training, and/or breeding services, and/or the sale of dogs and cats, if allowed under the Dodge County Zoning Ordinance and any town ordinances.

Licensing Authority means the Town Treasurer, or its designee.

Owner means any person, who owns, harbors, or keeps an animal. Where a family keeps an animal, all adults shall be responsible for the requirements of this ordinance. Any animal shall be deemed to be harbored if it is fed and sheltered.

Public nuisance means any animal which:

- (1) Molests passersby or passing vehicles;
- (2) Is repeatedly at large;

- (3) Damages private or public property;
- (4) Barks, whines, yelps, howls, or makes other noises in excessive, continuous or untimely fashion that greatly annoys or disturbs a number of persons.

Restraint means any animal secured by a leash or lead, or under the control of a responsible person or obedient to that persons command, or within the real property limits of its owner.

Vicious animal means any animal that constitutes a physical threat to human beings, or other animals, or any animal known to have attacked a person without provocation when that person was peacefully conducting himself, where he was lawfully entitled to be.

Wild animal means any live monkey, or other nonhuman primate, raccoon, skunk, fox, wolf, poisonous snake, or any snake exceeding five feet in length, leopard, panther, tiger, lion lynx, or any warm-blooded animal, or dangerous insect, which can normally be found in the wild state.

1.5 Nonconforming use.

Any person, who becomes nonconforming with the respect to requirements set forth in this ordinance, may continue to keep the number of regulated animals which that person had licensed in the town prior to the effective date on the ordinance. This nonconforming use exemption shall be valid while the person resides on the property listed on the license, however, an animal may not be replaced until the total number of animals falls below those levels required by this ordinance.

1.6 Enforcement

The civil and criminal provision of this ordinance shall be enforced by the Dodge County Sheriff, or its agents, or other persons authorized by the town board.

1.7 Penalties

If the owner of an animal violates any articles of this ordinance, the owner shall forfeit not less than \$25.00 not more than \$100.00 for the first offense and not less than \$50.00 not more than \$200.00 for subsequent offenses. These penalties shall be in addition to any other costs such as court costs and attorney fees. Each day's occurrences shall constitute a separate offense.

1.8 Restraint

- (a) All animals shall be kept under restraint and shall not be permitted to run at large.
- (b) No owner shall keep as animal that is a public nuisance.
- (c) No owner shall keep a vicious animal.

1.9 Animal Care

No person shall beat, cruelly ill-treat, torment, or otherwise abuse an animal, or cause, instigate or permit any dog fight, cock fight, or other combat between animals, or between animals and humans.

2.0 Keeping of pets

- (a) No person of a single-family household shall keep, possess, harbor, or routinely allow the presences of more then 4 dogs over 5 months of age, unless entitled to a kennel license.

(b) No person of a multi-family dwelling or mobile home park occupant, either individually, or in combination with one or more other persons, may keep, possess, harbor or routinely allow the presence of more than one dog and one cat.

2.1 Keeping of wild or vicious animals.

No person shall keep or allow to be kept on their premises, any wild or vicious animal for any purpose.

2.2 Neglected or abandoned animals

(1) No person may abandon any animal

(2) Any law enforcement officer or its designee may remove, shelter and care for an animal found to be cruelly exposed to weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

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

(4) Whenever in the opinion of any such officer or its designee as 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 an animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

2.3 Procedures.

(a) Unrestrained, running at large and nuisance animals shall be taken by an officer authorized by the town board or town board designee and impounded in an animal shelter and there confined in a humane manner. The officer or town board designee reserves the right to destroy any animal that cannot be safely restrained and is perceived as a physical threat to any human or other animal.

(b) When an animal is causing a public nuisance and its owner cannot be contacted at the time of the complaint, the officer or its agents may impound it, after an attempt to contact the owner is unsuccessful. After impoundment, reasonable attempts shall be made to contact the owner.

(c) An owner reclaiming an impounded animal shall pay all accrued fees, including impoundment fee and comply with the provisions of section 2.4 and 2.5 of this ordinance.

(d) Any animal not reclaimed by its owner within seven days becomes property of the local government authority or humane society, and shall be placed for adoption in a suitable home or humanely euthanized.

(e) The Town of Calamus is not liable for impounded animals. The town or its designee shall not be liable for the injury or death of any animal, which has been impounded or disposed of pursuant to this ordinance.

2.4 Dog License Tax

(1) Requirement. The owner of a dog more than 5 months of age on January 1 of any year or 5 months of age within a license year shall annually or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license.

(2) Tax. As provided in Wisconsin Statute 174.05 (3) the fees are determined by resolution of the town board.

(3) Tags to be worn at all times. Dogs must wear license and rabies vaccination tags at all times when off the premises of the owner. The fact that the dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is not licensed.

(4) License Year. The License year commences on January 1 and ends on December 31.

(5) Late Fees. The treasurer or agent shall assess and collect a late fee set by resolution of the town board from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

2.5 Dog License Rabies Vaccination

Upon payment and before issuing a dog license proof of rabies vaccination by a licensed veterinarian shall be required.

2.6 Owner's Liability for Damage Caused by Dog; Penalties.

Any owner of a dog responsible for damages shall pay penalties as established in Wisconsin State Statute 174.02 and may be subject to removal of dog from premises by officer authorized by the town board.

2.7 Kennel License

Only persons that engage in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs may apply for a kennel license. The town board or its designee will determine if the business is a conforming use before issuance of license. Fees will be determined by resolution of the town board.

2.8 License issuance and revocation.

(a) The town board may revoke any license and/or penalty shall be imposed in accordance with article 1.7, if the person holding the license refuses or fails to comply with this ordinance, or any law governing the protection and keeping of animals.

(b) Any person whose license is revoked shall, within ten days thereafter, humanely dispose of all animals owned, kept or harbored. No part of the license fee shall be refunded. For any animal, a receipt from an animal shelter, veterinarian or other individual must be obtained as proof of proper disposal.

2.9 Severability of provisions.

Should any articles or provisions of this ordinance be declared invalid, such decisions shall not affect the validity of the remaining portions of this ordinance.

3.0 Effective date

This ordinance shall take effect from and after its passage as provided by law.

Adopted this _____ day of _____, 2003 by the Town Board of Supervisors of the Town of Calamus, Dodge County

Town Chairman

Town Supervisor

Town Supervisor

Filed this _____ day of _____, 2003

Attest: _____
Marjorie Beilke, Town Clerk