

ORDINANCE NO. 54

ANIMAL CONTROL ORDINANCE

An Ordinance Prohibiting Domestic Animals From Running At Large and Establishing Animal Control Procedures.

1.0 INTRODUCTION

1. **Authority.** This ordinance is adopted pursuant to authority conferred by Chapters 60 and 174, Wis. Stats; and Waupaca County Chapter 12 Animal Control Ordinance.
2. **Purpose.** The purpose of this ordinance is to promote the public health, safety and general welfare of the Town of Lind by requiring owners to control domestic animals by requiring reasonable restrictions on the keeping of domestic animals and establishing administrative procedures.
3. **Definitions.** For the purpose of this ordinance, the following terms are defined.
 - (a) **At Large.** Any domestic animal is considered to be running at large if it is off the premises of its owner and not under control of the owner or some other person.
 - (b) **Domestic Animal.** A domestic animal is any dog, cat, livestock, reptile or amphibian kept as a pet or raised for commercial purposes.
 - (c) **Harboring or Keeping a Dog.** Harboring or keeping a dog is to afford it lodging, to shelter it or give it refuge.
 - (d) **Kennel or Cattery.** Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.
 - (e) **Livestock.** Any domestic animal kept for use or raised for sale or profit, including but not limited to horses, bovine, sheep, goats, pigs, elk, deer, llamas, alpacas, rabbits, or fowl as defined in section 95.001(1)(a) Wis. Stats.
 - (f) **Officer.** A designated officer appointed by the Town of Lind.
 - (g) **Owner.** Any person who owns, harbors or keeps a domestic animal.
 - (h) **Untagged Dog.** A dog is untagged if valid license is not attached to a collar which is kept on the dog whenever the dog is outdoors and not running at large.

- (i) **Puppy.** Any dog under 5 months of age.

2.0 GENERAL PROVISIONS

1. **Domestic Animal At Large Prohibited.** It shall be unlawful and a violation of this ordinance for any person owning, harboring or keeping a domestic animal to permit, allow or cause such domestic animal to run at large in the Town of Lind.
2. **Public Nuisance.** It shall be unlawful and in violation of this ordinance to harbor or keep a domestic animal that is a public nuisance. Public nuisance is defined as any domestic animal or animals which repeatedly engage in one or more of the following:
 - a. Molesting passers-by or passing vehicles.
 - b. Attacking persons or animals without provocation when said persons or animals were peacefully conducting themselves where they were lawfully entitled to be.
 - c. Trespassing on school grounds, parks, or cemeteries.
 - d. Being repeatedly at-large, where repeatedly means at least two times.
 - e. Damaging private or public property.
 - f. Barking, whining or howling in a continuous manner for time duration of one hour or longer.
3. **Restrictions on Harboring or Keeping Dogs.** It shall be unlawful and in violation of this ordinance for any person to harbor or keep a dog which exceeds 5 months of age but has not been issued a valid license; which is known or reasonably known to be infected with rabies or bitten by an animal known to have been infected with rabies but not confined and quarantined; or which is untagged.
4. **Impoundment and Disposition of Domestic Animal.**
 - (a) **Impoundment.** Any officer or other person restraining a domestic animal at large shall take the domestic animal to the designated animal shelter. In addition, the person to whom the domestic animal is released shall pay any appropriate boarding fees for each day or fraction of a day that the animal is impounded, along with other fines and fees accrued according to the Fee and Ordinance Violation Notice.

- (b) **Release of Domestic Animal to Owner or Representative.** The officer or pound to whom a domestic animal is delivered may release the domestic animal to its owner or a representative of the owner only if:
- (1) The owner or representative gives his or her name and address;
 - (2) The owner or representative presents evidence that in the case of a dog, the dog is licensed and presents evidence that the dog is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation;
 - (3) The person to whom the domestic animal is released shall pay any appropriate boarding fees for each day or fraction of a day that the animal is impounded, along with other fines and fees accrued according to the Fee and Ordinance Violation Notice.
- (c) **Release of Domestic Animal to Person Other Than Owner.** The officer or pound to whom a domestic animal is delivered may release the domestic animal to a person other than the domestic animals owner only if:
- (1) The owner is unknown or does not claim the domestic animal within 7 days after the domestic animal is delivered to the officer or pound;
 - (2) The person to whom the domestic animal is released gives his or her name and address;
 - (3) In the case of a dog, the person to whom the dog is released signs a statement agreeing to license the dog and to have the dog vaccinated against rabies unless evidence is presented that the dog is licensed and vaccinated; and
 - (4) The person to whom the domestic animal is released shall pay any appropriate boarding fees for each day or fraction of a day that the animal is impounded, along with other fines and fees accrued according to the Fee and Ordinance Violation Notice.

5. Dog License Tax

- (a) **Requirement.** 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, pay the dog license tax and obtain a license.
- (b) **Tax.** The minimum dog license tax is \$5 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$8 for an unneutered male dog or unsprayed female dog, or one-half of these amounts if the dog became 5 months of age after July 1 of the license year.
- (c) **License year.** The license year commences on January 1 and ends on the following December 31.

- (d) **Late Fees.** The Town Treasurer shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or over, 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 on or before the dog reached licensable age. All late fees received or collected shall be paid into the Town treasury as revenue of the Town. The Town Board may, when setting the amount of the tax, provide that any person purchasing a dog license for a dog 5 months of age or over after April 1 shall pay an additional late fee.
- (e) **Listing.** The Town shall annually, by September 1, ascertain by diligent inquiry the dogs owned or kept within the Town. Every person shall answer frankly and fully the questions relative to the ownership and keeping of dogs within the Town.

3.0 ADMINISTRATION AND ENFORCEMENT

1. **Penalties.** Any person who violates any provision of this ordinance, shall upon conviction, forfeit not less than \$25.00 or more than \$1,000.00 together with the costs of prosecution for each offense. Each day of a violation shall constitute a separate offense.
2. **Listing Official.** The Town Treasurer is hereby designated as the listing official for dog license purposes.
3. **Effective Date.** This ordinance shall take effect upon passage and publication.
4. **Consistency.** This ordinance is intended to be consistent with and not a limitation to owner liability and penalties as set forth in Section 124.02 Wis. Stats.
5. **Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

4.0 REPEAL OF PRIOR ORDINANCES

This ordinance repeals Ordinance 43 adopted April 12, 2005.

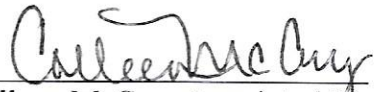
5.0 EFFECTIVE DATE

Upon adoption by the Town Board, this ordinance shall take effect the day after the date of publication or posting as provided by Section 60.60, Wis. Stats.


Adopted and Approved this 10 day of September, 2008.

Ayes 3 Nays 0

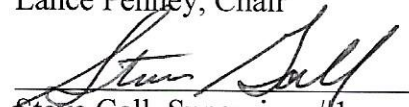
ATTEST:



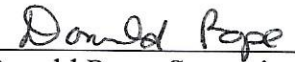
Colleen McCoy, Appointed Clerk



Lance Penney, Chair



Steve Gall, Supervisor #1



Donald Pope, Supervisor #2

FEE AND ORDINANCE VIOLATION NOTICE

No. _____

TO THE OWNERS OR PERSON IN CHARGE OF THE ANIMAL DESCRIBED BELOW:

ANIMAL: () DOG () CAT () OTHER

DESCRIPTION: _____

NAME: _____

ADDRESS: _____

PLEASE TAKE NOTICE THAT ON (Date) _____ (Time) _____
YOU WERE FOUND IN VIOLATION OF ORDINANCE # _____.

CRUELTY	FINE \$	_____
RUN AT LARGE	FINE \$	_____
DEFECATE ON PROPERTY	FINE \$	_____
UNLICENSED	FINE \$	_____
OTHER	FINE \$	_____
OTHER FEES:		
_____	FINE \$	_____
OFFICER MILEAGE _____	\$	_____
TOTAL \$		_____

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN 5 DAYS TO AVOID ANY FURTHER ACTION.

TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK OR MONEY ORDER TO:

**TOWN OF LIND:
CLERK**

ISSUING OFFICER: _____

SIGNATURE OF VIOLATOR: _____

DATE: _____