

# Title 6

## ANIMALS

### Chapters:

6.04 Dogs

6.08 Dog Kennels and Multiple Dog Licenses

6.10 Vicious Animals

### Chapter 6.04

#### DOGS

#### Sections:

6.04.010 Dog licenses.

6.04.020 Definitions.

6.04.030 Impoundment of unlicensed dogs.

6.04.040 Rabies control.

6.04.041 Dog feces removal.

6.04.045 Damage caused by dog.

6.04.050 Enforcement.

6.04.010 Dog licenses.

A. Dog Licenses Required. Every owner of a dog five months of age or older on January 1st of any year, or a dog which becomes five months of age during a license year, shall annually on or before March 31st or the date the dog becomes five months of age, or within thirty (30) days

from the date a dog over five months of age is acquired or brought into the town, obtain a dog license for such dog from the town treasurer and shall pay therefore an annual license fee as follows:

Unneutered male or unspayed female	\$8.00
Neutered male or spayed female	\$4.00

The license fee shall be one-half of the stated fees for dogs required to be licensed for the first time after June 30th of any license year. The license year shall be from January 1st to the following December 31st. The treasurer shall assess and collect a late filing fee of five dollars (\$5.00) from every owner of a dog five months of age or over, if the owner failed to obtain a license prior to April 1st of any year, or within thirty (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.

B. Rabies Inoculation Required. As a condition of obtaining a dog license, an owner shall present a valid veterinarian’s certificate of rabies vaccination.

C. Dog Licenses and Collar Tags. Upon payment of the required dog license fee and presentation of proof of rabies vaccination, the town treasurer shall execute and issue to the owner a dog license which shall state the date of its expiration, shall bear a serial number and the owner’s name and address and the name, sex, breed and color of the licensed dog and whether such dog has been neutered. A duplicate of such license shall be kept on file by the town treasurer. The town treasurer shall deliver to the licensee a tag of durable material which shall bear the licensed serial number, the name of the county, and the license year.

D. Exemption for Lead Dogs. Every dog specially trained to lead blind persons shall be exempt from the dog license fee, and every blind resident of the town owning such a dog shall annually receive a free dog license and tag upon application therefor. (Ord. 91-24 § 1; prior code § 8.04(1))

6.04.020 Definitions.

The following definitions shall pertain for the purposes of this chapter:

Dog. The term “dog” shall apply to any canine animal, male or female sex or neutered.

Own. “Own,” unless otherwise specified, means to keep, harbor or have control, charge or custody of a dog. This term shall not apply to dogs owned by others which are temporarily maintained on the premises of a veterinarian or kennel operator.

Owner. “Owner” means any person keeping, harboring, or having charge or control of, or permitting any dog to habitually be or remain on or be lodged or fed within such person’s house, yard, or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining dogs owned by others on their premises.

Vaccination Against Rabies. Whenever the term “vaccination against rabies” is used, it shall mean the inoculation of a dog with modified live virus rabies vaccine. Such vaccination must be performed by a veterinarian duly licensed to practice veterinary medicine in the state. (Prior code § 8.04(5))

6.04.030 Impoundment of unlicensed dogs.

A. Unlicensed Dogs to be Impounded. It is unlawful for any person to harbor or permit to remain about his or her premises any dog for which a license is required but for which a license has not been issued. The sheriff and deputies, any marshall or constable, or any police officers or duly authorized representatives of a humane society shall seize, impound or restrain any unlicensed dog within the boundaries of the town, which dog is required to be licensed and may enter the premises where such dog is kept to effect such seizure and impoundment. Any dog found running at large without valid license tags shall be presumed to be unlicensed as shall any dog found off of the owner’s premises between the hours of sunset and sunrise unaccompanied by its owner or some person in control.

B. Dogs to be Controlled. It is unlawful for an owner to permit a dog, whether licensed or unlicensed, to run at large in the town. Any dog found running at large shall be impounded or restrained by the town constable or any duly authorized officer of the town. The owners of female dogs in heat shall so restrain them and enclose them so as to avoid any unnecessary disturbance to adjoining residents.

C. Nuisance Ordinance Not Affected. Nothing contained in this chapter shall be taken to modify or repeal any provisions of this code pertaining to public nuisances. (Ord. 97-13 § 8.04(2)(b); prior code § 8.04(2))

6.04.040 Rabies control.

A. Wisconsin Statute Adopted. Section 95.21 of the Wisconsin Statutes, and any amendments thereto, is adopted in this chapter in its entirety.

B. Impoundment of Dogs Without Vaccination Tag.

1. The town health officer may authorize a pound or pounds, or may enter into a cooperative agreement with a licensed veterinarian for the establishment and operation of a pound.

2. Any dog found off the owner’s premises and not wearing a valid rabies vaccination tag shall be impounded. All impounded dogs shall be given proper care and maintenance. Each impounded dog shall be kept and maintained at the pound for a minimum of three days unless reclaimed earlier by the owner.

3. Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated dog may be reclaimed by its owners during the period of impoundment by payment of prescribed pound fees and compliance with the rabies vaccination requirements of this section within seventy-two

(72) hours of release. Any vaccinated dog impounded because of the lack of rabies vaccination tags may be reclaimed by its owner upon furnishing proof of rabies vaccination and payment of all impoundment fees prior to release. At the expiration of impoundment, a dog may be claimed by payment of established pound fees and by compliance with the rabies vaccination requirement of this section within seventy-two (72) hours of release. If the dog is unclaimed at the end of three days, the authority may dispose of the dog in accordance with applicable laws or rules and regulations. (Prior code § 8.04(3))

#### 6.04.041 Dog feces removal.

A. **Allowing Deposit Prohibited.** No person owning or in charge of any dog shall cause or allow such dog to soil, defile, defecate on any common thoroughfare, sidewalk, passageway, bypath, play area, park, bank, streambed or stream, or into any surface water drainage ditch, or upon the shore or surface of any body of water within the town, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property, without the permission of the owner of the property.

B. **Removal of Feces.** Any person owning or in charge of any dog who shall cause or allow such dog to soil, defile, defecate on any common thoroughfare, sidewalk, passageway, bypath, play area, park, bank, streambed or stream, or into any surface water drainage ditch, or upon the shore or surface of any body of water within the town, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property, shall immediately remove all the feces deposited by any such dog in a sanitary manner.

C. **Proper Disposal.** The feces removed from the aforementioned designated areas shall be disposed of by the person owning or in charge of such dog, in a sealed, nonabsorbent leakproof container.

D. **Violation—Civil Infraction.** Any violation of the provisions of this chapter shall be a civil infraction and any person found in violation thereof shall be subject to a penalty not to exceed one hundred dollars (\$100.00). (Ord. 98-3)

#### 6.04.045 Damage caused by dog.

A. The owner of a dog found to have injured or caused injury to a person, domestic animal, or property of another shall forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

B. The owner of a dog which has injured or caused injury to a person, domestic animal or property of another, and the owner was notified or knew that the dog had previously injured or caused injury to a person, domestic animal or property of another, shall forfeit not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00).

C. The penalties imposed by this section shall be in addition to any other liability imposed on the owner of the dog, including civil liability for any damages caused. (Ord. 2002-6)

6.04.050 Enforcement.

A. Enforcement. The Racine County sheriff and deputies, the town health officer and the town constables are authorized to enforce the provisions of this chapter.

B. Penalties. The owner of any dog or kennel who fails to abide by any of the applicable provisions of this chapter shall forfeit not less than twenty dollars (\$20.00) nor more than two hundred dollars (\$200.00).

C. Pound Fees. Fees for impoundment shall be in the amount of twenty-five dollars (\$25.00) per day. In addition, a twenty-five-dollar (\$25.00) pick up fee shall be charged. Such fees shall be paid by the owner of the animal or the municipality or agency requesting such impoundment. (Ord. 98-7; prior code § 8.04(4))

Chapter 6.08

DOG KENNELS AND MULTIPLE DOG LICENSES

Sections:

6.08.010 Multiple dog license option/requirement.

6.08.020 Multiple dog license tags.

6.08.030 Applicability or other requirements.

6.08.040 Kennel defined.

6.08.050 Kennel license/permit fee.

6.08.060 Location.

6.08.070 Violations—Penalties.

6.08.010 Multiple dog license option/requirement.

Any person who keeps two or three dogs may, instead of the license tax for each dog required by this chapter, apply to the collecting official for a multiple dog license for the keeping of the dogs, and any person keeping more than three dogs shall be required to obtain a multiple dog license. Such person shall pay for the license year a license tax of ninety dollars (\$90.00) for twelve (12) or fewer dogs and an additional seven dollars and fifty cents for each dog in excess of twelve (12). Upon payment of the required multiple dog license tax and upon presentation of

evidence that all dogs over five months of age are currently immunized against rabies, the collecting official shall issue the multiple dog license and a number of tags equal to the number of dogs authorized to be kept by the person. (Ord. dated 6/12/06: Ord. 2003-4)

#### 6.08.020 Multiple dog license tags.

Multiple dog license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of dogs for which a multiple dog license has been issued shall keep at all times a multiple dog license tag attached to the collar of each dog over five months old kept by the owner or keeper under a multiple dog license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fence area. No dog bearing a multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is on leash or temporarily out for the purposes of hunting, breeding, trial, training or competition. (Ord. 2003-4)

#### 6.08.030 Applicability or other requirements.

Unless clearly inapplicable, all the provisions of this chapter relating to the individual dog license tax, licenses, and tags shall apply to the multiple dog license and tags. (Ord. 2003-4)

#### 6.08.040 Kennel defined.

“Kennel” means any property, residential, commercial, agricultural or other wherein and whereon dogs are kept for the purpose of breeding, sale, boarding, training, sporting or show purposes and for which the keeper of the dogs is compensated for such purposes. (Ord. 2003-4)

#### 6.08.050 Kennel license/permit fee.

Former Town of Dover Ordinance 6.08.020, requiring a permit for a “Kennel” license has been repealed and replaced by the multiple dog license herein. However, any person operating a kennel, as defined above, shall pay a permit fee of one hundred dollars (\$100.00) annually. (Ord. 2003-4)

#### 6.08.060 Location.

A kennel shall not be located in such proximity to residential areas within the town as to disturb the peace or create a nuisance in such proximate residential areas. (Ord. 2003-4)

#### 6.08.070 Violations—Penalties.

Any person, firm or corporation violating any provision of this chapter shall, upon conviction thereof, forfeit not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), together with the costs of prosecution. Each and every day of violation shall constitute a separate offense. (Ord. 2003-4)

## Chapter 6.10

### VICIOUS ANIMALS

#### Sections:

6.10.010 Purpose.

6.10.020 Definition.

6.10.030 Vicious animals not permitted.

6.10.040 Enforcement.

6.10.050 Penalties.

6.10.010 Purpose.

The purpose of this chapter is to regulate the keeping of vicious animals in the town for the better safety and health of the residents. (Ord. 2004-2 (part))

6.10.020 Definition.

“Vicious animal” means any animal which (a) has more than once, attacked or bitten one or more persons; or (b) has behaved in such a manner that the owner or custodian of such animal knows or should have reasonably known that the animal would attack or bite a person. If an animal is kept primarily for the protection of property, it shall be presumed that the animal is vicious. (Ord. 2004-2 (part))

6.10.030 Vicious animals not permitted.

A. It shall be unlawful for any person to harbor or keep a vicious animal within the town as a pet, or for display and/or exhibition purposes.

B. Exceptions. This section shall not apply to (1) animals under the control of a law enforcement or military agency; (2) animals under Section 6.10.020(b) which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence,

or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant, or with persons who enter onto the property with implied consent, such as delivery personal, utility workers and government officials; or (3) animals which are kept for the protection of property and which have bitten or attacked a person or persons in the act of protecting a person or property against another person(s) who was unlawfully on the property housing the animal or was attacking, threatening or endangering the personalty or property of another. (Ord. 2004-2 (part))

#### 6.10.040 Enforcement.

A. Any vicious animal which is found off the premises of its owner may be seized by any police officer or humane officer and, upon establishment to the satisfaction of any court of competent jurisdiction of the vicious nature of such animal, it may be killed by a police officer or humane officer; provided, however, that if, after reasonable diligence, the owner(s) of the animal can be found, such person(s) shall be given notice of any hearing to establish the vicious nature of the animal, and they shall be allowed to give evidence in defense of the animal.

B. Any animal which is known to have attacked or bitten a person or persons under Section 6.10.020(b) on more than one separate occasion may be seized by any police officer or humane officer and, upon establishment to the satisfaction of any court of competent jurisdiction of the vicious nature of such animal, it may be killed by a police officer or humane officer; provided, however, that the owner(s) of the animal shall be allowed to give evidence in defense of the animal. This shall not apply to animals which are kept for the protection of property and which have bitten or attacked a person or persons in the act of protecting a person or property against another person(s) who was unlawfully on the property housing the animal or was attacking, threatening or endangering the personalty or property of another. (Ord. 2004-2 (part))

#### 6.10.050 Penalties.

A. Fine. Any person found to have violated any provision of this chapter shall forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense, and not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2500.00) for a subsequent offense.

B. Restitution. Any person found to have violated any provision of this chapter, and such vicious animal has caused damage or injury to the person or property of another, may be ordered to pay restitution in an amount equal to actual damages incurred by such person(s). (Ord. 2004-2 (part))