

Ordinance No: 2017-1

Town of Salem, Pierce County, Wisconsin

Animal Control Ordinance

In the interest of the public safety, health, and welfare in the Town of Salem, the Town Board of the Town of Salem hereby ordains as follows:

Section 1: State Statutes Adopted:

Wisconsin Statutes § 95 (Animal Health), 173 (Animals: Humane Officers), 174 (Dogs), and 951 (Crimes Against Animals), are adopted by reference. If there is a conflict between the provisions of Wisconsin Statutes and this Ordinance, the provisions of this Ordinance shall apply except in those cases where State Statutes are preemptive.

Section 2: Purpose:

This Ordinance is hereby adopted in the interest of promoting the public's health, safety and welfare and in protection of the Town's animal population. Dogs which are unlicensed, running at large, disturbing the peace or are owned or harbored in violation of this Ordinance are detrimental to the public's health, safety and welfare and are declared to be a public nuisance. Animals, Wild Animals and Exotic Animals as defined herein may pose a threat to public health, safety and welfare and be a public nuisance if they meet the definition of Dangerous Animal.

Section 3: Definitions:

Animal: "Animal" includes every living a) warm-blooded creature except farm livestock (swine, cattle, horses, sheep, goats, llamas) and human beings; b) reptile – a member of Reptilia, a class of cold-blooded vertebrates including snakes, lizards, crocodiles, turtles, etc.; c) amphibian – a member of Amphibia, a class of vertebrates between fish and reptiles (i.e., frogs, toads, salamanders); d) Arachnid – spiders kept as pets.

Dangerous Animal: "Dangerous Animal" includes any wild or exotic animal including but not limited to primates, raccoons, skunks, foxes, wild and/or exotic cats, wild canines, venomous or constricting snakes, any animal having a poisonous bite.

Exotic Animal: "Exotic Animal" includes any animal not native to Wisconsin or to the United States and is imported from another country.

Nuisance Animal: "Nuisance Animal" includes any animal or fowl which by frequent or habitual vocalizations shall cause serious annoyance or disturbance to persons or to a neighborhood or habitually pursues any bicycle, pedestrian or vehicle upon any public street or highway.

Town Animal Control Officer: "Town Animal Control Officer" shall be the person or persons employed by the Town to enforce this Ordinance, and may include an unelected appointee or members of the Town Board.

Wild Animal: "Wild Animal" includes any animal other than domesticated household pets such as dogs, cats, mice, gerbils, hamsters, turtles, and non-poisonous snakes and lizards, and other than farm livestock (cattle, horses, mules, goats, swine, sheep) and poultry. Wild animals include fur-bearing animals, game, game animals and game birds described in Chapter 29, WI Statutes.

Section 4: Keeping of Dangerous Animals Prohibited. It is not lawful to own, harbor, keep or in any way possess within the Town limits any Dangerous Animal.

Section 5: Licensing of Dogs; Rabies Vaccination Required:

- (a) All dogs over five months of age must be licensed pursuant to Town regulations and Wis. Stats. § 173 and 174. No person shall own any dog within the Town limits or permit any dog on any property legally owned by the person for a period of more than 30 days unless such dog is licensed. All persons owning or keeping dogs within the Town shall contact the Town Treasurer for information on obtaining a license. The Town Treasurer includes licensing information annually to all tax payers with property tax bills. The current annual license fees are \$10.00 per dog for a spayed/neutered animal or \$15.00 for an unneutered/unspayed animal. License fees are due by March 31 of each year or on or before the date during the year the dog becomes five months of age. These fees may be increased from time to time by resolution of the Town Board. The license fees collected shall be divided among the Town, County and state as provided in Section 174.08 and 174.09 of the Wisconsin Statutes. Other penalties for nonpayment of license fees or other violations of Chapter 174 may be imposed.
- (b) Rabies vaccination. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian pursuant to Wisconsin Statutes.
- (c) The owner of any dog shall keep a valid tag securely fastened to the dog's collar or harness which must be worn by the dog at all times except when the dog for which the license is issued is indoors or covered by an exception in this Ordinance or in Wisconsin Statute 174.

Section 6: Regulation of Dogs.

(a) Limitation on number of dogs. To further health, safety and welfare of the public, the following limits are adopted:

- a. Number limited. No person or household shall own, harbor or keep in its possession more than three dogs where the nearest neighboring residence is located less than one quarter (1/4) mile from the dog's home or yard.
- b. Exceptions to limit.
 1. A litter of pups or a portion of a litter may be kept for not more than twenty-four (24) weeks from birth.
 2. A male dog may be used for breeding purposes for a period not to exceed thirty (30) days, provided the dog is licensed at its home location and has a current rabies vaccination.
 3. Hospitals, clinics or other premises operated by licensed veterinarians, for the care and treatment of dogs owned by others, are exempt from the number limitations provided herein.
 4. Dogs in training from a certified training program to lead a blind, deaf or physically impaired person are exempt from the number limitations provided herein, provided the dogs are licensed and have a current rabies vaccination.

Note: Commercial dog kennel operators must apply for and receive a conditional use permit from the County, with prior hearing and approval by the Town.

- c. Waiver. An annual conditional waiver of this Limitation may be granted by the Town Board for 4 or more but not more than 11 dogs if an applicant requests such a waiver in writing, pays a \$100 fee, and if, after a public hearing, the Town Board finds that the health, safety and welfare of the public is adequately protected. This fee shall be in lieu of an annual kennel license fee. Prior to such public hearing, the applicant must provide all property owners and tenants within one quarter (1/4) mile with at least fifteen (15) days advance written notice of the public hearing (such written notice shall be personally served by the applicant, or via regular first class mail).

The waiver is limited to one per residence, is good for one year, and the holder of such a waiver must apply for renewal at least 30 days prior to the expiration of their current waiver.

If the Town has not had any complaints about the dogs within the past year, the Town Board may issue a renewal waiver for a period of one year upon payment of the license fee per dog (currently \$10.00 for a spayed/neutered animal or \$15.00 for an intact animal). If the Town has had complaints during the past year, the applicant must pay a fee of \$100 (in lieu of a kennel license fee) and the Town Board must hold a public hearing, with notice as provided earlier in this paragraph. The Town Board may grant a renewal if it finds that the applicant has adequately taken steps to address any valid complaints, and the health, safety and welfare of the public is adequately protected. All dogs owned, kept or harbored pursuant to this waiver shall have a current rabies vaccination.

- (b) Running at Large Prohibited. No owner of any dog shall permit such dog to run at large within the Town. A dog shall not be considered to be at large if accompanied by the owner while walking or is secured to a leash, chain or rope, under the control of any person, or if confined within a fenced enclosure. A dog shall not be considered to be at large if it is actively engaged in a legal hunting activity, including training, if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog. Any law enforcement officer, Town Board member, Town Animal Control Officer, or animal warden may apprehend any dog running at large contrary to this section, and shall confine the same to an appropriate dog pound.

A reasonable attempt shall be made to contact the dog owner. Owners are encouraged to have microchips implanted to prove ownership. The owner of any dog so confined in the dog pound may reclaim the same upon the payment of all costs and charges incurred by the Town in apprehending and keeping said dog. Dogs not reclaimed by their owners will be disposed of pursuant to Wis. Stats. §173 and 174.

- (c) Town Animal Control Officer. The Town may contract for the services of an Animal Control Officer. Said contract may include provisions for using facilities owned or maintained by said Animal Control Officer as and for Town dog pound. The Town Animal Control Officer shall be empowered to enforce any and all parts of this Ordinance with the approval of a Town Board member, including issuing citations.

- (d) **Unlicensed Dogs.** Any law enforcement officer, the Animal Control Officer or Town Board member may apprehend any unlicensed dog pursuant to this Ordinance and Wis. Stats. §173 and 174.
- (e) **Dangerous and Vicious Dogs.** No person shall knowingly keep or harbor a vicious or dangerous dog within the Town. "Vicious Dog," as used in this section means a dog that there is reason to suspect may suddenly assault a person or their property while peacefully walking or riding on the public roadways or while lawfully on the premises of the owner of such dog. "Dangerous Dog" means any dog which poses a physical threat to human beings or to other domestic animals by virtue of a known history by an unprovoked assault or bite so as to cause bodily harm. Dangerous Dog also includes a dog trained, owned or harbored for the purpose of dog fighting.

A dog shall not be deemed dangerous or vicious solely because of an incident where:

- a. It bites, attacks or menaces anyone assaulting its owner.
 - b. It bites, attacks or menaces a trespasser on the property of the owner of the property.
 - c. It bites, attacks or menaces any person or other animal who has tormented or abused it.
 - d. It is acting in defense of an attack from a person or other animal upon its owner or other person.
 - e. It is protecting or defending its young or another animal on its own home territory.
- (f) **Barking Dogs; Nuisance Dogs.** No person shall harbor any dog within his care or custody which shall continuously bark or create a continuous or intermittent noise or disturbance, or allow such animals to make any unusual or unnecessary noise to the disturbance of the neighborhood, or to people passing upon the roadways. No person shall harbor any dog which is at large or by frequent and habitual howling, yelping, barking, or other noise, shall cause serious annoyance or disturbance to persons or to a neighborhood or habitually pursues any vehicle or person upon any public street or highway.

(g) Dogs Infected with Rabies. Pursuant to Wis. Stat. §95.21, any law enforcement officer, Animal Control Officer, or Town Board member who has reason to believe a dog may be infected with rabies, may take lawful steps to capture and quarantine a dog, or if quarantine and capture is not possible, the law enforcement officer, Animal Control Officer, or Town Board member may kill such dog.

a. Any person who suspects that a dog is infected with rabies shall report his or her suspicion to a law enforcement officer, the Animal Control Officer, or Town Board member, describing the dog and giving the name of the owner, if known.

b. No person shall knowingly harbor or keep any dog infected with rabies or any dog known to have been bitten by a dog known to have been infected with rabies, or fail to report to a law enforcement officer, Animal Control Officer or Town Board Member the existence of a dog which he or she knows to be infected with rabies.

(h) Dog Which Bites Persons. Every owner or keeper of a dog and every other person who knows that a dog has bitten any person shall immediately report such fact to the Pierce County Sheriff's Department.

(i) Abandonment, Mistreatment or Cruelty Prohibited. It shall be unlawful for anyone to knowingly abandon or abuse any dog. Each person who does abandon or abuse knowingly or willingly permits this abandonment or abuse or aids in the abandonment or abuse of any animal shall be in violation of this chapter and shall be subject to the penalties as herein provided. In addition, the provisions of Wis. Stat. §951 may be enforced by the Town.

(j) Animal Fighting. No animal fighting shall be permitted in the Town of Salem.

(k) Duties of all Dog Owners.

a. For the purposes of this Ordinance, a dog "owner" includes any person who owns, harbors, keeps or controls an animal, whether that person claims ownership or not.

b. It shall be the duty of every owner of any dog or anyone having any dog in their possession or custody, to exercise reasonable care and to.

take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their dog's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

- c. It shall be the duty of every owner of any dog, or anyone having any dog in their possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the dog from leaving, while unattended, the real property limits of its owner, possessor or custodian.
- d. It shall be the duty of the owner of any dog or anyone having a dog in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor or custodian.
- e. Failure to keep any dog confined or under restraint as provided for in this Ordinance shall be unlawful and shall be punishable as herein provided.
- f. Any violation of this Ordinance that would, by the literal language of this Ordinance, be a violation by a dog is deemed a violation by the owner of that dog.

(j) Penalties.

- a. Citations. Any Town Board member, the Town Animal Control officer with approval of a Town Board member, and any law enforcement officer may issue citations for any violation of this Ordinance pursuant to the Town Citation Ordinance.
- b. First Offense. Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$50.00 nor more than \$200.00, together with court costs and costs of prosecution.
- c. Second Offense. Any person found guilty of violating any provision of this Ordinance who has previously been convicted of a violation of the same Ordinance offense within one year of the date of such conviction shall, upon such second conviction, forfeit not less than \$300.00 nor more than \$1,000.00 for each such second or subsequent offense, together with court costs and costs of prosecution.

- d. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense.
- e. In addition to any forfeiture imposed, an animal owner who allows an animal to run at large or to otherwise be in violation of this chapter shall be required to pay all costs the Town incurs in enforcing this chapter, including but not limited to costs for animal pickup, kenneling, boarding, impound fees, or other costs related to dealing with the animal which is in violation of this chapter. If costs are not paid pursuant to judgment of conviction or citation, the Town shall bill the animal owner for all costs incurred by the Town. If the animal owner does not pay said costs within 30 days, pursuant to its authority under Wis. Stat. § 66.0627, the Town shall impose said costs as a special charge against any real estate where the animal resides, or is being harbored or kept. Said special charge shall become a lien upon the property for collection along with real property taxes. Landlords shall be notified of renter violations. All relevant correspondence sent to the renter will also be sent to the landlord.
- f. Other Enforcement. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action, including an action for injunctive relief, to prevent or remove a violation of any provision of this Ordinance.

Section 7: Interpretation.

The provisions of this Ordinance shall be liberally construed in favor of the protection of the health, safety and welfare of the public, and of the Town, and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.


Section 8: Severability and Conflict.

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. This Ordinance is not intended to repeal or overrule any other existing Ordinance or Town regulation, except that where a conflict between this Ordinance and another Ordinance occurs, the provisions of this Ordinance shall apply.

Effective Date

Following passage by the Town Board, this Ordinance shall take effect the day after the date of publication as provided by Wis. Stat. § 60.80(2) and (3).

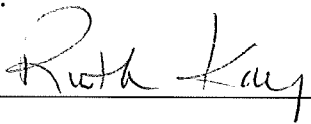
ADOPTED this 12th day of December, 2017.


_____, Town Board Chair

Notice of Newly Enacted Ordinance published as a Class 1 Notice pursuant to Wis. Stats.

§ 60.80(5) this 12th day of December, 2017

Attest:


_____, Town Clerk