

TOWN OF GLENWOOD, ST. CROIX COUNTY

CHAPTER 1

ANIMAL CONTROL ORDINANCE

SECTION 1 -1. DEFINITIONS

A. In this ordinance, the following terms have the following meanings:

(1) **ABUSED ANIMAL.** Any animal that is mistreated, beaten, tormented or teased; deprived of potable water, food or shelter; kept under unhealthy conditions; or trained to fight other animals.

(2) **ANIMAL.** Every living, warm-blooded creature except humans; also reptiles and amphibians.

(3) **ANIMAL CONTROL OFFICER.** Those persons designated by the Town Board to serve as enforcement officers of this ordinance. The Town's Animal Control Officers are the Town Chairman and the Town Supervisors.

(4) **ANIMAL SHELTER.** The premises designated by Town Board action to serve the Town for purposes of impounding and caring for animals taken into custody by the Animal Control Officer or otherwise found at large or in other violation of this ordinance.

(5) **AT LARGE.** An animal is at large when it is off the property of its owner and not under restraint.

(6) **COMMERCIAL DOG KENNEL.** Any location where five (5) or more dogs over the age of five months are bred, raised for sale, boarded, groomed or trained as a service for any purpose other than serving as companion animals, as guides for the blind or as public service dogs.

(7) **DANGEROUS ANIMAL.** Any animal constituting a physical threat to humans or to other domestic animals due to a known history of unprovoked assault or biting to cause bodily harm; or any dog that is trained, owned or harbored, primarily or in part for the purpose of dog fighting. A dog is not a dangerous animal if it bites, attacks or menaces anyone threatening or assaulting its owner, a trespasser on the owner's property, a person or other animal who has tormented or abused it, is otherwise acting in defense to an attack from a person or other animal or is defending or protecting its young, or another animal.

(8) **DOG.** A canine animal, male or female, altered or unaltered.

(9) FENCE. An outdoor structure enclosing any portion of a premises, and in which an animal is kept, including invisible fences.

(10) GUARD DOG. A dog trained to attack persons or other animals, whether independently or upon command.

(11) INDIVIDUAL DOG OWNER. Any person owning no more than five (5) dogs over the age of five months and kept on a premises occupied exclusively for non-business, residential purposes.

(12) NUISANCE DOG. Any dog that by frequent and habitual howling, yelping, barking or other nuisance-type behavior causes great discomfort or serious annoyance to the peace and quiet of the neighborhood in which it resides, or that habitually pursues vehicles on a public street or highway. This category does not apply to licensed veterinary hospitals and clinics that provide care and treatment for small animals.

(13) OWN. To keep, harbor, have control charge or custody of any animal in the Town for five (5) days or longer. "Own" also means permitting an animal to be kept on real property owned by the person giving permission. Landlords of property can be "owners" within the meaning of this ordinance. Veterinarians or kennel operators temporarily keeping animals owned by others on their premises are not "owners" of that animal.

(14) OWNER. Any person who owns, harbors or permits any animal to be kept on the person's property. In the case of rental property, the "owner" is the person, partnership, corporation or any other legal entity holding fee title to the property under lease so that, by allowing a tenant to have an animal on the rented premises the landlord is treated as an owner, as well as the tenant owner of the animal.

(15) PRIVATE DOG KENNEL. Any location where six (6) to ten (10) dogs over the age of five (5) months are kept, but where any on-site business of breeding and selling dogs is incidental to the occupancy of the premises for residential purposes and is not the primary source of income for the occupant or owner of the property.

(16) PROPER ENCLOSURE. A fence or structure of suitable height that forms an enclosure suitable to prevent the entry of children less than ten (10) years of age. Enclosures must be locked and designed and built to prevent the animal confined within from escaping it.

(17) RESTRAINT. An animal is under restraint only when it is controlled by a leash, cord, harness, halter, chain or similar physical restraint; or by a competent person such that the animal is immediately obedient to that

person's command; or is located inside a vehicle being driven or parked on a public street or road; or is inside the property limits of its owner.

(18) STRAY ANIMAL. Any animal, the owner of which is unknown and which is at large; specifically including unlicensed dogs.

(19) TOWN. The Town of Glenwood, located in St. Croix County, Wisconsin.

SECTION 1-2. DOG LICENSING

A. No person shall own any dog within the Town limits or permit any dog to be or be kept on the property occupied by that person for more than thirty (30) days unless that dog is licensed. Any dog over the age of five (5) months shall at all times have attached to its collar a tag issued by the Town evidencing a current, annual dog license. Licensing fees shall differentiate between dogs that have been spayed and neutered and dogs that are not spayed or neutered. Veterinarian verification of spay or neuter shall be presented at the time of the first license application after the procedure.

B. The licensing requirement of Section 2.A. does not apply to hospitals, clinics and other premises occupied by licensed veterinarians exclusively for the care and treatment of animals; to dogs belonging to a nonresident and kept in the Town for less than thirty (30) days, provided that all such dogs shall at all times be kept under restraint; to dogs kept at private or commercial kennels under a multiple dog license; to dogs being specially trained to guide blind or deaf persons or to provide support for mobility impaired persons; or to dogs owned and kept strictly for educational or scientific purposes.

C. Written application for dog licenses shall be made annually on forms furnished by the Town. As a condition of the issuance of any dog license, the owner shall provide proof of current rabies vaccination in the form of a veterinarian certificate.

D. If a license tag issued to a dog owner is lost, the owner may obtain a duplicate tag from the Town.

E. If a dog dies during the license year and another dog is acquired by the same owner, the license for the deceased dog may be transferred to the replacement dog for the remainder of that licensing year, after notice to the Town Clerk, which notice shall include proof of current rabies vaccination and spay or neutering, when applicable for the replacement dog.

F. When there is a transfer of ownership of a dog in the Town, the new owner shall, within thirty (30) days, apply for a license and pay a licensing fee as if for a new license.

G. Private Dog Kennel License.

(1) A private dog kennel license shall be issued or renewed when the application for such a license is accompanied by the written consent from the occupants of all privately owned real estate abutting the premises on which the kennel is located, or when the applicant's kennel is three hundred (300) or more feet from any adjacent owner's property line.

H. Commercial Dog Kennel License.

(1) A commercial dog kennel license shall be issued or renewed when the application for such license is accompanied by documentation establishing that the kennel is located at least seven hundred (700) feet from any lot line shared with any property devoted to residential uses by persons other than the owner of the kennel, owner's family, agents, employees or tenants.

I. Miscellaneous Licensing Provisions.

(1) The amount of annual license fees shall be established by separate resolution of the Town Board.

(2) Upon compliance with the requirements of this ordinance, the Town shall issue to the owner a durable tag, stamped with a number and for the year for which issued. Every dog owner shall keep this tag securely fastened to the dog's collar or harness, which shall be worn by the dog at all times unless the dog is indoors or otherwise covered by an exception to the licensing requirement.

(3) If an unlicensed dog is impounded and the dog is later returned to the owner, the Town shall issue the appropriate dog license and charge the owner for the licensing fee.

J. Additional Requirements for Private and Commercial Kennels.

(1) Kennel licenses are issued for one year, beginning on January 1, and expiring on December 31. Applications for kennel licenses may be submitted no more than sixty (60) days prior to the date of the licensing year.

(2) A kennel license may be revoked for any violation of this ordinance or for violation of any local or county health or nuisance ordinances, orders, state law or administrative regulation.

(3) Prior to revoking a kennel license, the licensee shall be given notice of the Town Board meeting at which revocation will be considered and a copy of any complaint received or issued by the Town. If the kennel licensee is present at the Town Board meeting, the licensee shall be given an opportunity to hear the reasons kennel license revocation is being considered and the opportunity to be heard and to respond. Notice of the Town Board meeting shall be provided to the kennel licensee in writing, sent to the address of the licensee shown in the license application, and mailed at least ten (10) business days prior to the date of the meeting.

(4) All dog kennels shall be kept in a clean and healthful condition and shall be available at all reasonable times for inspection by any health officer, Animal Control Officer or other person or persons charged with enforcement of this Ordinance or any health or sanitary regulation, order, rule or statute.

SECTION 1-3. GENERAL REQUIREMENTS OF ALL ANIMALS AND OWNERS

- A. Owners shall keep any animal under restraint at all times when off the premises of the owner.
- B. Owners are responsible for picking up and properly disposing of any animal waste deposited anywhere other than the owner's property.
- C. No dog fighting, cock fighting, bull baiting, bear baiting, or any other form of setting or fighting one animal against another is permitted or allowed in the Town.
- D. Any person who abandons, abuses, knowingly permits the abandonment or abuse or aids in the abandonment or abuse of any animal in the Town shall be subject to penalties for violation of this ordinance.
- E. Owners shall keep any female animal in estrus or in heat under restraint and in such a manner that a female animal cannot come into contact with a male animal except for intentional breeding purposes.
- F. It is the duty of every animal owner or anyone with an animal in their possession to exercise reasonable care and take all necessary precautions to protect other people, property and animals from injury or damage that might result from the animal's behavior, regardless of the motivation behind the animal's behavior.
- G. It is the duty of every animal owner or anyone with an animal in their possession to ensure that the animal is under restraint and that reasonable care is taken to prevent the animal from leaving the property boundaries of its owner, possessor or custodian.

H. It is the duty of every animal owner or anyone with an animal in their possession to keep the animal under restraint and control at all times when the animal is off the real property of its owner, possessor or custodian.

I. It is a violation of this ordinance for any person to knowingly harbor a Nuisance Dog.

(1) Complaints Concerning Nuisance Dogs. Whenever any person shall complain to a Town Animal Control Officer about a Nuisance Dog being kept by a person in the Town, the Animal Control Officer shall notify the dog's owner that a complaint has been received and that the person must forthwith take such steps as are necessary to alleviate the nuisance behavior on the part of the dog.

(2) If the Animal Control Officer's warning is ineffective, then a verified complaint from at least two residents of separate households may be presented to the Animal Control Officer alleging that a specified and identifiable Nuisance Dog is being kept by a person in the Town, and providing specific examples and documentation of the animal's behavior. The Animal Control Officer shall inform the dog's owner that such a petition has been received and may issue a citation to the owner for violations alleged with sufficient specificity in the petition. Notification shall be by either personal service or Certified Mail, return receipt requested.

J. Failure to keep any animal confined or under restraint is a violation of this Ordinance.

SECTION 1-4. ANIMAL CONTROL OFFICER

A. No person shall interfere with, hinder or molest the Animal Control Officer in the performance of the duties of that office.

B. Animal Control Officers shall cooperate and assist representatives of the Department of Agriculture, Trade and Consumer Protection, other authorized state officials, authorized local health officials and certified humane officers in the following functions:

(1) The identification and location of animals posing risks or danger to the public;

(2) The identification and location of animals that are abused, strays or abandoned;

(3) Identification and location of the animals reportedly being kept in a cruel or inhumane manner or are otherwise in need of a humane treatment.

C. The Animal Control Officer is empowered, to the extent permitted by state law, to enter any premises where any such animals are being kept or harbored, to require the owner of such animals to demand the exhibition

of them, vaccination records and any license for the animal(s), to demand to examine animals suspected of being abused or abandoned and to take possession of such animals as are in need of humane treatment or that pose risks or dangers to the public.

D. The Animal Control Officer shall cooperate with and assist any law enforcement officer in the enforcement of this Ordinance.

SECTION 1-5. ANIMAL IMPOUNDING, QUARANTINE AND REDEMPTION

A. An animal that appears to have been abandoned or to be a stray may be taken by the Animal Control Officer and held by a certified Humane Officer at an animal shelter or pound designated by the Town, to be confined in a humane manner for a period of at least seven days. If not claimed and redeemed during that time by its owner, the animals may be adopted out or euthanized in a humane manner. Owners seeking the return of their animals are required to provide reasonable proof of ownership, current licensure as required, proof of all required vaccinations and to pay all charged for the custody, care, vaccinations, licensure and treatment of the animal.

(1) Animal Control Officers shall make a reasonable effort to notify the owner, if known or ascertainable, of an impounded animal of the impoundment and the conditions under which the owner may regain possession of their animal.

(2) Notwithstanding any other provision in this ordinance, a hopelessly injured animal or one that is an imminent threat to public health or safety and at large may be destroyed, but only after reasonable efforts have been made to contact the owner, if known or ascertainable.

(3) An animal impounded for a suspected disease other than rabies may be reclaimed by the owner during the seven (7) day impoundment upon payment to the pound of all fees and costs as provided for herein and compliance with directions of the veterinarian or Humane Officer as to the suspected disease.

B. Quarantine.

(1) Any animal that has bitten a person shall be immediately impounded and kept in strict isolation for at least ten (10) days, apart from other animals and under the supervision of a veterinarian until it can be determined whether the animal had or has a disease that might have been transmitted through the bite.

(2) After the expiration of ten (10) days, and only if the observation period has not been extended and a veterinarian certifies that the animal does not exhibit any sign of rabies, the animal may be released and the

Animal Control Officer shall be notified. If the animal was impounded at a designated animal shelter, all costs of shelter and veterinarian care shall be paid for by the owner.

(3) Any animal owned, harbored or kept in the Town that has been bitten or is believed to have been bitten by a rabid or suspected rabid animal shall be impounded, quarantined and held in the same manner for a period of six (6) months, and vaccinated after the 155th day and before the 165th day, unless the animal has been vaccinated for rabies within the prior year, in which case the animal shall be re-vaccinated and confined for sixty days. The owner of any animal that has been bitten by a rabid animal shall immediately notify the animal control officer in the event of the animal's illness or death during quarantine.

SECTION 1-6. RECORDS

A. The Town Treasure shall keep accurate and detailed records of the licensure of all animals owned, harbored or kept in the Town.

B. The Animal Control Officer shall keep accurate and detailed records of all animal impoundments, quarantines and their dispositions, and of all bite cases reported to the Animal Control Officer and the officer's investigation. A copy of each investigation report shall be provided to the Town Clerk.

C. The Town Treasurer shall keep, or cause to be kept, accurate and detailed records of all money collected by the Town pursuant to this ordinance.

SECTION 1-7. DANGEROUS ANIMALS

A. The owner of any dangerous animal shall at all times confine it within a building or other proper and secure enclosure and shall not take the animal out of the building or enclosure unless the animal is securely muzzled or otherwise restrained and under control.

B. No dangerous animal shall be left unattended, as by chaining, tethering or otherwise tying to any object such as a tree, post or building, outside of its proper enclosure.

C. In addition to any other standard for proper enclosures established in this ordinance, owners of dangerous animals who maintain such animals out of doors shall fully fence that portion of their property with a perimeter or area fence. Within this fence, the dangerous animal shall be humanely confined in a pen or kennel of adequate size. The said pen or kennel shall no share common fencing with any other area or a perimeter fence. The kennel or pen shall have secure sides, a secure top attached firmly to all sides and the sides shall be either buries two feet

into the ground, sunken into a concrete pad securely attached to a wire bottom. The gate to any such pen or kennel shall be securely locked at all times.

D. Except when being transported and securely confined in a vehicle, no dangerous animal shall be permitted off of the property of the owner unless it is continuously attended by its owner or designated custodian and restrained by a secure collar, leash, cord, chain or similar physical restraint, not to exceed six (6) feet in length, and of sufficient strength to prevent escape. The animal must also be muzzled by any means sufficient to prevent it from biting other animals, other persons or domestic animals.

E. When the Animal Control Officer receives information that a dangerous animal is being harbored in violation of this ordinance, the Officer may:

(1) Order the violation immediately corrected and cite the owner or keeper; or

(2) If the violation cannot be immediately corrected, or if the animal has caused damage to persons or property and continues to pose imminent and serious threat to the safety or wellbeing of humans or other domestic animals, the animal may be seized and impounded at the owner's expense. At the owner's request and expense, such impoundment may be at the veterinarian or licensed kennel of the owner's choosing.

(3) If the owner or keeper of a dangerous animal fails to either provide proof that the animal will be kept restrained and confined in compliance with the requirements of this ordinance or fails to reclaim it from a designated animal shelter after impoundment, and if the said animal cannot be adopted by someone providing proof that it will be kept restrained or confined as required by this ordinance, the dangerous animal will be humanely euthanized at the owner's expense.

(4) All owners, keepers or laborers of any dangerous animal or guard dog shall display in a prominent place on their premises and at each entrance or exit to the area where the animal is confined, a sign, easily readable by the public using words such as "Beware of Dog" or "Dangerous Animal".

SECTION 1-8. VIOLATIONS AND PENALTIES

A. An activity or practice that violates the requirements of this ordinance or that violates state statutes on topics found in this ordinance shall be considered a violation of this ordinance regardless of the knowledge or intent to violate, and shall subject the party or parties responsible for non-compliance to an action for an injunction, requiring that the condition constituting the violation be ceased or cured and that remedial actions to achieve compliance be undertaken, and/or a forfeiture, in an amount set by the Board, plus actual costs of prosecution.

The amount of the forfeiture shall be as set forth in Chapter 5, Citations. Each day during which a violation occurs is a separate offense, subject to separate and additional forfeiture.

SECTION 1-9. SEVERABILITY

If any section, subsection clause or provision of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the validity of the remainder of this Ordinance shall not be affected thereby.

Dated this _____ day of _____, 2014.

Town of Glenwood by:

Joe Draxler, Town Chair

Attestation:

Mike Myers, Town Clerk