

**CODE OF GENERAL ORDINANCES
OF THE
TOWN OF POUND
MARINETTE COUNTY, WISCONSIN**

Chapter 15: Ordinance On Animal Control/Abuse

**CHAPTER 15:
TOWN OF POUND ORDINANCE
ON ANIMAL CONTROL/ABUSE**

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15.0100. TITLE

This ordinance shall be known as the Animal Control Ordinance of the Town of Pound.

15.0200. AUTHORITY AND PURPOSE

This ordinance is enacted under the authority of Section 58.07, 95.07, and 174.05 of the Wisconsin Statutes. Its purpose is to protect the health, safety and well-being of persons in the Town of Pound by establishing animal control and conduct laws and rabies control measures; designating animal isolation and impoundment procedures; and providing for an animal control officer and a method of enforcement.

The town board has the authority under its village powers under s. 60.22, Wis. Stats., and the specific authority under s. 60.23(30), and the chapters 173 and 174, Wis. Stats., to adopt this ordinance.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the care, treatment, and control of animals in the town.

15.0300. DEFINITIONS

15.0301. "OWNER": any person who owns, harbors, keeps, or controls an animal. The occupant of any premises on which an animal remains or to which it customarily returns daily for - a period of ten days, is presumed to be harboring or keeping the animal within the means of this section.

15.0302. "ISOLATION FACILITY": the Menominee Animal Shelter, a veterinarian

hospital, or a place specified by an officer which is equipped with a pen or cage which isolates the animal from contact with other animals.

15.0303. "COLLECTING OFFICIAL": the Town Treasurer or a person deputized by the Treasurer, or a person appointed to serve as a license collection official under provision of a Town ordinance or Town Board Resolution.

15.0304. "ABANDONED": an owner has failed to pay the impoundment and care costs incurred by the town within 7 days after notice from animal control that the animal is under the possession and care of the town or its designated agents.

15.0305. "STRAY DOG": a dog running at large whose owner is unknown,

15.0306. "TOWN": the Town of Pound in Marinette County, Wisconsin.

15.0307. "TOWN BOARD": the board of supervisors for the Town of Pound, Marinette County, Wisconsin and includes designees of the town board authorized to act for the town board.

15.0308. "TOWN CLERK": the clerk of the Town of Pound, Marinette County, Wisconsin.

15.0309. "UNTAGGED": a valid license tag is not attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner's legal premise.

15.0310. "WIS. STATS": the Wisconsin Statutes, including successor provisions of cited statutes.

15.0400. LICENSING AND TAGGING OF DOGS REQUIRED.

The owner of a dog more than five (5) months of age shall annually pay the dog license tax and obtain the dog license and tag, as required by Sec. 174.05(1), Wisc. Stats.
A. The owner shall securely attach the tag, furnished at the time of issuance of license, to a

collar which in turn shall be kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

B. A dog license shall not be issued to an owner of a dog by the Town's collecting official

except upon presentation of a valid certificate of rabies vaccination or other evidence that the

dog has been immunized currently against rabies.

C. In addition to the statutory dog license tax required by Sec. 174.05 (2) and any additional tax

required by Marinette County, the Town Board may by resolution raise the minimum dog license

tax on dogs within the Town, but in any such case, the tax shall conform with the requirements

of Sec. 174.05(3), Wis. Stats.

D. Dogs specially trained to lead blind or deaf persons or to provide support for mobility impaired

persons is exempt from the dog license tax and every person owning such a dog shall

receive annually a free dog license from the local collecting officer upon application.

E. The license year commences on January 1 and ends on the following December 31.

F. A late license fee according to the Penalty and Fee Schedule shall be collected from every

owner of a dog 6 months of age or over, if the owner fails 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 fails to

obtain a license on or before the date the dog reaches licensable age. All late fees received or

collected shall be paid into the town treasury as revenue of the town.

G. If the identity of the owner of an animal taken into custody under this ordinance is not known

or cannot be determined with reasonable diligence, the dog shall be considered a stray animal.

H. Unclaimed stray animals remaining in the custody of the town for 7 days and abandoned

animals remaining in the custody of the town for 7 days after issuance of a notice to the owner,

may be released to a person other than the owner, in accordance with s. 173.23 (1m) (a), Wis.

Stats., euthanized under s. 173.23 (1m) (c).

I. The town has the right to deliver the animal immediately to Menominee Animal Shelter if

deemed necessary.

J. The town and its officers and agents shall comply with chapters 173 and 174, Wis. Stats.

K. All persons in the town shall fully cooperate with the town regarding dogs in the town and shall answer frankly, fully and truthfully all questions of the town relative to dog ownership, possession, and keeping of dogs within the town.

15.0500. RABIES VACCINATIONS OF DOGS REQUIRED

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian at the times required by Sec. 95.21 (2)(a), Wis. Stats., and acts amendatory thereto, and shall attach the required rabies vaccination tag to the dog in a manner and at the times required by Secs.

95.21(2)(e) and 95.21(2)(f), Wis. Stats. The initial vaccination shall be within 30 days after the dog reaches 4 months of age.

15.0600. REPORTING REQUIRED.

The owner of any animal which is suspected of having bitten a person, of being infected with rabies or of having had contact with a rabid animal, or any other person having such information shall report that fact as soon as possible to a peace officer, a Marinette County Humane Society Officer, or the Towns Animal Control Officer

15.0700. COMPLIANCE WITH QUARANTINE ORDER.

The owner of any animal which is suspected of biting a person, of being infected with rabies or of having been in contact with a rabid animal shall obey the lawful orders of any officer

quarantining the animal pursuant to the authority of Secs. 95.21 (4) and (5), Wis. Stats.

No person shall remove any quarantined animal from isolation without the express written consent of an officer.

15.0800. OWNER RESPONSIBLE FOR ANIMAL

The owner of an animal shall be responsible for the conduct of the animal.

A. Running at Large. It shall be unlawful for an owner to own, harbor, or keep any dog, whether licensed or unlicensed, or other animal which runs at large within the Town. An animal

is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

B. Vicious Dogs. It shall be unlawful for an owner to own, harbor, or keep a dog of vicious disposition. For purposes of citation issuance under this provision, a dog shall be deemed to be

vicious if it inflicts serious injury on a person in unprovoked circumstances off the owner's premises, or if within any 12 month period, it assaults or attacks two or more persons in unprovoked circumstances off the owner's premises.

C. Disturbances of the Peace. It shall be unlawful for an owner to own, harbor or keep an animal which habitually by any noise disturbs the peace and quiet of persons living within the vicinity. For purposes of citation issuances under this provision, an animal shall be deemed habitually disturbing the peace and quiet of persons living within the vicinity if more than two (2) signed complaints of barking or other noise have been filed with the Town of Pound within any three month period and the Animal Control Officer or person authorized by the Town has made an independent verification of the seriousness of the noise. Citations shall not be issued for disturbances of the peace when the complaints arise from normal livestock noises in the areas of the Town zoned for agriculture.

D. Other Animal Conduct. It shall be unlawful for an owner to own, harbor, or keep any dog or other animal which:

(1) Habitually pursues vehicular or pedestrian traffic upon any public road or highway

within the Town;

(2) Kills, wounds, or worries any domestic animal while off the property of its owner;

(3) Habitually destroys the property of other persons within the Town.

15.0900. APPOINTMENT AND COMPENSATION OF OFFICER

A. The Town Board shall appoint an animal control officer or constable to enforce the

provisions of this ordinance, and shall set compensation for the officer in the form of salary and/or fees.

B. The Town Board may appoint one or more persons as assistant animal control officers and

delegate to such person(s) the power and duties the board deems necessary.

15.1000. DUTIES OF OFFICER.

The Animal Control Officer shall have the power and duty to enforce the provisions of this ordinance.

A. Quarantine. The officer shall cause to be quarantined in an isolation facility any animal if

the officer has reason to believe that the animal bit a person, is infected with rabies or has been in

contact with a rabid animal.

B. Impoundment. The officer may capture and restrain, or cause to be captured and restrained, any dog or other animal running at large in the Town. If the owner cannot be ascertained and notified, the officer shall notify or deliver the animal to the holding area designated by the Town.

C. Sacrifice of Animal. The officer may order killed or may kill an animal in the lawful

performance of his duties pursuant to Sees. 95.21 and 174.02(3), Wis. Stats.

D. Enforcement of Citation. The officer may enforce any provisions of this ordinance through the issuances of a citation. Prior to citation issuance, a written notice and order to correct the

violation shall have been delivered to the animal owner. If the animal is deemed a threat to

people or other animals by the officer, the officer may take immediate action and remove, secure

and/or quarantine the animal in question.

E. Penalties. Any person guilty of violation of the provisions of this ordinance shall, upon

conviction thereof, be subject to a forfeiture as defined in the Town of Pound Penalty and Fee

Schedule, together with costs of said action, and in default of the payment thereof, be imprisoned

in the county jail until such forfeitures and subsequent costs have been paid, but not to exceed

sixty (60) days. State Stat. 174.15. If the action is deemed a felony, county and state law will

take precedents over Town decisions.

F. Records. The officer shall keep such records of animals and animal complaints as required

by the Town Board and by any applicable county laws and state statutes.

15.1100. APPEALS

Any written order or notice of violation issued by the Town's Officer under the provisions of this

ordinance may be appealed to the Town Board. The appeal shall be in writing and shall be filed

with the Town Clerk. The Town Board shall hold a hearing within ten (10) days of the filing of

the appeal, at which time any interested party desiring to be heard shall be heard. A decision of

the appeal shall be made within ten (10) days following the date of the hearing.

15.1200. SEVERABILITY

The terms and provisions of this ordinance shall be deemed severable, and if anyone of them is

held invalid, the remainder of the ordinance shall not be affected thereby.

15.1300. REPEAL OF PRIOR ORDINANCE

Any written ordinance dealing with the above animal ordinances that had been previously adopted by the Town of Pound is hereby repealed and replaced by this Animal Control Ordinance.

15.1400. EFFECTIVE

This ordinance shall take effect upon passage and publication as required by law. In addition to these ordinances, the Town of Pound will uphold the Wisconsin State Statutes

dealing with animals and animal abuse. A summary of such statutes follows.

Town of Pound

August 2012

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis.

Stats.

Adopted this 10th day of July, 2012

Jerry Heroux, Chairman Dave Pellman, Supervisor

Leonard Semrau, Supervisor John Gaffney, Supervisor

Mike Zeitler, Supervisor Attest: Tammy Kasal, Clerk