

## **Ordinance 2012 (9) Dogs running at large ordinance.**

**Any ordinances heretofore adopted by the town board on this subject are hereby repealed.**

STATE OF WISCONSIN  
Town of Pensaukee  
Oconto County

### SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Pensaukee Dogs Running at Large Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the town.

### SECTION II - AUTHORITY

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 chapters [173](#) and [174](#), Wis. stats., to adopt this ordinance.

### SECTION III - ADOPTION OF 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 dogs in the town.

### SECTION IV - DEFINITIONS

In this ordinance:

- A. "Abandoned" means that an owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section IX, subsection E, within 7 days after receipt by a dog's owner of written notice from the town clerk that the dog is under the possession and care of the town or its designated agents.
- B. "Law enforcement officer" means any person employed by the town for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.
- C. "Legal premise" means the real property owned or occupied by the owner of a dog.
- D. "Owner" means a person who owns, harbors, or keeps a dog.
- E. "Running at large" means off the owner's legal premise and not under the control of the owner or some other person.
- F. "Stray dog" means a dog running at large whose owner is unknown.
- G. "Town" means the Town of Pensaukee in Oconto County, Wisconsin.
- H. "Town board" means the board of supervisors for the Town of Pensaukee, Oconto County, Wisconsin, and includes designees of the town board authorized to act for the town board.
- I. "Town clerk" means the clerk of the Town of Pensaukee, Oconto County, Wisconsin.

J. "Untagged" means 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.

K. "Wis. stats" means the Wisconsin Statutes, including successor provisions of cited statutes.

#### SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

#### SECTION VI - RESTRICTIONS ON DOGS

Except as provided in Section VII, no person may do any of the following:

- A. Allow any dog owned by that person to run at large in the town.
- B. Allow any dog owned by that person to be untagged in the town.
- C. Allow any dog owned by that person to be abandoned in the town.
- D. Allow a dog or dogs on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the town, as determined by the town board, or its designees, after receipt of written notice from the town board, or its designees, to the owner of the dog or to the owner of the legal premise where the dog is kept that the noise from the dog or dogs must be eliminated.

#### SECTION VII - EXEMPTIONS FROM SECTION VI COVERAGE

A. A dog that is actively engaged in the town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land in the town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the town board, or its designees.

B. A dog that is used by a law enforcement agency as defined in s. [165.83 \(1\) \(b\)](#), Wis. stats., in the town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.

C. A dog that is untagged and kept in the town for educational or scientific purposes as determined by the town board shall not be considered untagged for purposes of this ordinance.

D. A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

#### SECTION VIII - DOG LICENSE TAX

A. 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, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:

1. 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.

2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the dog license tax.

B. The town board shall annually by resolution set the amount of the dog license tax in accordance with s. [174.05 \(2\)](#), Wis. stats.\*

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

D. A late fee of \$25 shall be collected from every owner of a dog 5 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.

#### SECTION IX - TOWN AUTHORITY

A. An authorized officer or employee of the town shall attempt to capture and restrain any dog running at large or any untagged dog. The town board authorizes the following officers and employees to act under this paragraph: Chairman, Supervisor(s), Clerk, Treasurer, an/or animal control officer.

B. The town board, pursuant to s. [173.03](#), Wis. stats., has created the office of Town Humane Officer who is authorized to exercise all of the powers of a humane officer under chapter [173](#), Wis. stats., within the town. The humane officer is specifically authorized to take into custody animals in the town, including dogs, under s. [173.13](#), Wis. stats.

C. Law enforcement officers employed by the town board are authorized to take into custody animals in the town, including dogs, under s. [173.13](#), Wis. stats.

D. 1. If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined, the town clerk shall provide written notice to the owner that the dog is in the town's custody and shall inform the owner that if the owner fails to claim the dog, have the dog properly tagged, and pay the costs of impoundment and care incurred by the town within 7 days after receipt by the dog's owner, the dog will be considered abandoned. No dog in the custody of the town shall be returned to the owner, or an agent of the owner, unless the dog is properly tagged and all custody, care, vaccination, and treatment costs incurred by the town are fully paid by the owner or agent of the owner.

2. If the identity of the owner of a dog taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.

E. Unclaimed stray dogs remaining in the custody of the town for 7 days and abandoned dogs remaining in the custody of the town for 7 days after issuance of the notice to the owner under subsection E 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 \(1m\) \(c\)](#), Wis. stats., or released for scientific or research purposes under s. [174.13](#), Wis. stats.

F. The town and its officers and agents shall comply with chapters [173](#) and [174](#), Wis. stats.

G. 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.

#### SECTION X - PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$10 nor more than \$25, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

#### SECTION XI - SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

#### SECTION XII - EFFECTIVE DATE

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 10<sup>th</sup> day of July, 2012.

Dennis Clark

Jacki Nelis

Vernon Zoeller

Attest:

Joyce Stoegbauer