

ORDINANCE NO. 1-19-09(2009)

**AN ORDINANCE REPEALING AND RECREATING ORDINANCE NO. 4
ADOPTING REGULATIONS FOR DOGS AND CATS**

The Town Board of Town of Farmington does hereby ordain as follows:

SECTION 1. License Required. It shall be unlawful for any person in the Town to own, harbor or keep any dog more than 5 months of age without complying with the provisions of §§174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same. In addition to the dog license tax imposed under §174.05(2) and (3), Wis. Stats., there is hereby imposed a Town dog license tax in the amount of \$1.00 per year for all dogs required to be licensed under the Wisconsin statutes. The license year shall commence on January 1 and end on the following December 31. The license fee for a dog shall be as follows:

- a) Unneutered Male Dog. \$10
- b) Unspayed Female Dog. \$10
- c) Neutered Male Dog. \$5
- d) Spayed Female Dog. \$5

SECTION 2. Late Fees. The Town Treasurer shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or older if the owner failed 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 failed to obtain a license before the dog reach licensable age.

SECTION 3. Multiple Dog License Option. The owners of more than one dog may opt to pay a multiple dog license fee of \$35 for a kennel of 12 or fewer dogs and an additional \$3 for each dog in excess of 12, in lieu of the fees provided for in Section 1. Owners that are breeding and raising dogs to sell must apply for a conditional use permit from the County.

SECTION 4. Rabies Vaccination Required. It shall be unlawful for any person to keep a dog in the Town which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.

SECTION 5. Definitions. In this ordinance, unless the context or subject matter otherwise require, the following definitions apply:

a) Owner. Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this ordinance.

b) At Large. To be off the premises of the owner and not under the control of some person, either by leash or otherwise, but a dog within an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

SECTION 6. Restrictions on Keeping Dogs. It shall be unlawful for any person within the Town to own, harbor or keep any dog which:

a) Habitually pursues vehicles upon any street, alley or highway.

b) Assaults or attacks any person.

c) Is at large within the limits of the Town.

d) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used as an authorized municipal pound.

e) Kills, wounds or worries any domestic animal.

SECTION 7. Dogs Running at Large and Untagged Dogs. a) Dog Running at Large. A dog 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, as defined in Section 5.b) above.

b) Untagged Dog. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

c) Dog Subject to Impoundment. Any officer may, and a humane officer shall, attempt to capture and restrain any dog running at large and any untagged dog.

d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large or be untagged, the owner shall forfeit \$100.00 for the first offense and \$200.00 for subsequent offenses. A written warning notifying the owner of a violation of this ordinance shall be given once. No written warning is required for subsequent violations.

SECTION 8. Duty to Report Dog Bite. Every person, including the owner or person harboring or keeping a dog, who knows that a dog has bitten any person shall immediately report such fact to the Town Constable.

SECTION 9. Quarantine or Sacrifice of Dogs and Cats Suspected of Biting a Person or Being Infected with Rabies. a) Quarantine or Sacrifice of Dog or Cat. A law enforcement officer or humane officer may order a dog or cat quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

b) Quarantine Order. If a quarantine is ordered, the owner of the dog or cat shall be subject to the applicable provisions of §95.21, Wis. Stats.

SECTION 10. Number of Dogs. No person, except a person issued a multiple dog license, shall keep more than 3 dogs over the age of 3 months within the Town.

SECTION 11. Setting Dogs at Large Prohibited. No person shall open any door or gate of any private premises for the purpose of setting any dog at large except the owner of such dog, and no person shall so set any dog at large which is confined in a municipal pound.

SECTION 12. Impounding and Disposition of Dogs. a) Impounding of Dogs. A law enforcement officer or humane officer restraining a dog running at large shall take such dog to the pound. The boarding fee for impounded dogs shall be \$7 per day plus the actual cost of any necessary vaccinations. The keeper of the pound shall attempt to identify and notify the owner and shall keep a public record of all dogs impounded.

b) Release of Dog to Owner or Representative. The keeper of the pound may release the dog to the owner or his representative if such person:

- 1) Gives his name and address.
- 2) Presents evidence that the dog is licensed and vaccinated against rabies, or a receipt from a licensed veterinarian for prepayment of a rabies inoculation.
- 3) Pays the dog's boarding fee.
- 4) Pays for and obtains any applicable dog license if the dog is not licensed.

c) Release of Dog to Person Other Than Owner. If the owner of the dog is

unknown or does not reclaim the dog within 7 days, the keeper of the pound may release the dog to a person other than the owner if such person:

- 1) Gives his name and address and presents a receipt from a licensed veterinarian for prepayment of a rabies inoculation, unless evidence is presented that the dog is vaccinated against rabies.
- 2) Pays the adoption fee.
- 3) Pays for and obtains any applicable dog license, unless evidence is presented that the dog is licensed.

SECTION 13. Penalties. In addition to the other penalties provided in this ordinance, the following penalties are imposed.

a) Failure to Obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this ordinance, shall, upon conviction, forfeit \$100.

b) Refusal to Comply with Quarantine Order. An owner of a dog or cat who refuses to comply with an order issued under this ordinance to deliver the animal to a law enforcement officer, the municipal pound or a veterinarian, or who does not comply with the conditions or an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

SECTION 14. Dangerous and Vicious Dogs Regulated. a) Definitions. 1) Owner. As used in this ordinance, any person, firm, corporation, organization or department possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog.

2) Caretaker. Any person 16 years of age or older who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog.

3) Dangerous Dog. a. Any dog which, when unprovoked, inflicts bites on a person, domestic pet or animal on public or private property.

b. Any dog which chases or approaches a person without provocation upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack.

c. Any dog whose owner or caretaker has, on 2 separate occasions within a 12 month period, been convicted of violating the ordinance prohibiting dogs running at large.

d. A dog with a known propensity, tendency or disposition to attack, to cause injury to or to otherwise threaten the safety of humans or other domestic pets or animals.

e. Any dog trained, owned or harbored for the purpose of dog fighting.

4) Vicious Dog. a. Any dog that, according to the records of the Town Board, has inflicted on a human being any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery without provocation and on public or private property.

b. Any dog that has killed a domestic pet or animal without provocation while off the owner's property.

c. Any dog that has been previously found to be dangerous, the owner or caretaker having received notice of such, and the dog aggressively bites, attacks or endangers the safety of humans, domestic pets or animals.

b) Dangerous and Vicious Dogs. 1) Dangerous Dogs. a. The owner or caretaker of a dog shall be subject to a penalty if:

i. The dog inflicts unprovoked bites on a person, domestic pet or animal on public or private property.

ii. The dog chases or approaches a person without provocation upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack.

iii. The dog's owner or caretaker has, on 2 separate occasions within a 12 month period, been convicted of violating the ordinance prohibiting dogs running at large.

b. A dog shall not be deemed dangerous if it bites, attacks or menaces any person or animal in order to:

i. Defends its owner, caretaker or another person from an attack by a person or animal.

ii. Protect its young or another animal.

iii. Defend itself against any person or animal which has been tormented, assaulted or abused it.

iv. Defend its owner's or caretaker's property against trespassers.

2. Vicious Dogs. a. Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person competent to govern the animal is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior written approval of the Town Board. Such written approval shall be carried by the owner or caretaker.

b. Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel on the premises of the owner or caretaker, except when leashed and muzzled as provided in subpar. a. above. When constructed in an open yard, the pen or kennel shall be childproof from the outside and dogproof from the inside. A strong metal double fence with adequate space between fences at least 2 feet must be provided so that a child cannot reach into the dog enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Town. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

c. Confinement Indoors. No vicious dog may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the dog to exit the building on its own violation. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

d. Liability Insurance or Surety Bond. i. The owner or caretaker of a vicious dog shall present to the Town Clerk proof that the owner or caretaker has procured liability insurance in the amount of at least \$100,000, insuring the owner for any personal injuries inflicted by the vicious dog.

ii. In Lieu of the insurance liability requirement under subpar. i. above, the owner or caretaker of a vicious dog may present evidence of a surety bond in the sum of at least \$100,000, payable to any person injured by a vicious dog.

e. Signs. The owner or caretaker of a vicious dog shall, by July 1, 1995, display, in prominent places on their premises near all entrances to the premises, signs in letters of not less than 2 inches high warning that there is a vicious dog on the property. A similar sign is required to be posted on the kennel or pen of the dog. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a vicious dog.

f. Notification. The owner or caretaker shall notify the Town Constable within 24 hours if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, has died, has been sold or has been given away. If the vicious dog has been sold or given away, the owner or caretaker shall also provide the Town Constable with the name, address and telephone number of the new owner of the vicious dog. If the vicious dog is sold or given away to a person residing outside of the Town, the owner or caretaker shall present evidence to the Town Constable showing that he or she has notified the police department or other law enforcement agency at the dog's new residence, including the name, address and telephone number of the new owner of the vicious dog.

g. Determination of a Vicious Dog. i. Upon investigation, a law enforcement officer or humane officer may declare a dog vicious. If an owner or caretaker contests the designation of the dog as vicious, the Town Constable or his/her designee shall convene a hearing. At the hearing, the owner or caretaker shall have the opportunity to present evidence as to why the dog should not be declared vicious. The hearing shall be held promptly within no less than 5 days nor more than 10 days after service of notice upon the owner or caretaker of the dog.

ii. Pending the outcome of the hearing, the dog must be securely confined in a humane manner, either on the premises of the owner or caretaker or with a licensed veterinarian. If the owner or caretaker fails to securely confine the dog, a law enforcement officer may seize the dog and impound it in a place designated by the Town Board, pending the outcome of the hearing.

iii. After the hearing, the owner or caretaker shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or caretaker shall comply with this ordinance in accordance with a time schedule established by the Town Constable, but in no case more than 30 days after the date of the determination. If the owner or caretaker further contests the determination, he or she may, within 5 days of receiving the decision, appeal the decision to the Town Board.

h. Spay and Neuter Requirement. After a dog has been designated vicious, the owner or caretaker of the dog shall provide written proof from a licensed veterinarian that the dog has been spayed or neutered.

i. Euthanasia. If the owner or caretaker of a dog that has been designated vicious is unwilling or unable to comply with the regulations for keeping the dog in accordance with this ordinance, he or she may have the animal humanely euthanized by an animal shelter, the humane society or licensed veterinarian.

j. Inspection. The Town Constable may make whatever inquiry is deemed necessary to ensure compliance with this ordinance.

k. Destruction. i. Any dog that has caused serious injury to a person or persons on 2 separate occasions off the owner's premises without reasonable cause may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under §174.02(3), Wis. Stats.

ii. The Town Attorney, at the request of the Town Board, may petition a court of competent jurisdiction to obtain a court order to destroy a dog when the court finds any of the following;

a. The dog caused great bodily harm to a person.

b. The dog has been designated as vicious by the Town Constable pursuant to subpar. g. above and the owner or caretaker of the dog has failed to comply with the provisions specified in subparts. b., d. and h. above and more than 30 days has elapsed from the date that the owner or caretaker was served with notice that the dog has been declared vicious.

l. Exemption. This ordinance does not apply to dogs kept by any law enforcement agency or unit of the United States military service.

c) Violations and Penalties for Section 14. When any provision of this ordinance is violated and the violation precipitates impounding of a dog, the owner shall pay all impoundment fees and, in addition, any person violating provisions of this ordinance shall, upon conviction, be assessed a forfeiture of not less than \$150 nor more than \$500 plus applicable costs. Every day that a violation of this ordinance continues, it shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care and expert testimony fees necessitated by enforcement of this ordinance.

SECTION 15. Enforcement. This ordinance may be enforced by the uniform citation method. The cash deposit that the alleged violator may make in lieu of a court appearance shall be the forfeiture, plus court costs and penalty assessments and any other required cost. The law enforcement officer or humane officer issuing the citation shall write on the citation the permitted cash deposit. The Town Board shall determine and approve the Town Board Deposit Schedule.

SECTION 16. General Penalty. Any person who shall violate any of the provisions of this ordinance, for which a specific penalty provision is not provided, shall, upon conviction of such violation, be subject to a forfeiture of \$100 for the first offense and \$200 for the each subsequent offense, together with the costs of prosecution to include court costs and any applicable penalty assessments.

SECTION 17. All prior ordinances regulating dogs and cats, inconsistent with the terms of this ordinance are hereby repealed.

SECTION 18. Any reference to enforcement officer shall include the Town's Humane Officer.

SECTION 19. This Ordinance shall take effect on and upon passage and publication according to law.

Approved: January 19, 2008.9.

TOWN OF FARMINGTON

by Dale Trinrud
Dale Trinrud, Chairman

by Eugene Engebretson
Eugene Engebretson, Supervisor

by Ross Turner
Ross Turner, Supervisor

Adopted: 1-19, 2008.9
Approved: 1-19, 2008.9
Published: 1-29, 2008.9

ATTEST:

Sandy Grenlie
Sandy Grenlie, Clerk/Treasurer

Published 2009
TOWN OF FARMINGTON BOND DEPOSIT SCHEDULE
ON REGULATIONS FOR DOGS AND CATS

<u>Violation</u>	<u>Forfeiture</u>
Dog at Large – 1 st Offense	\$100.00
Dog at Large – Subsequent Offense	\$200.00
Untagged Dog – 1 st Offense	\$100.00
Untagged Dog – Subsequent Offense	\$200.00
Failure to Obtain Vaccination	\$100.00
Refusal to Comply with Quarantine Order	\$100.00
Dangerous/Vicious Dogs	No Deposit – Must Appear
Other Violations of Dog/Cat Ordinances	
Not Listed Above	\$100.00
Subsequent Offense	\$200.00

The deposit that the alleged violator may make in lieu of a court appearance shall be the forfeiture, plus court costs and penalty assessments and any other required cost. The law enforcement officer issuing the citation shall write on the citation the permitted cash deposit.

For violations of the ordinance relating to dogs running at large and untagged dogs, a written warning notifying the owner of a violation of this ordinance shall be given once before a citation is issued. For subsequent violations, no written warning is required.

Approved: January 19, 2009.

TOWN OF FARMINGTON

By: Dale Trinrud
Dale Trinrud, Chairman

By: Eugene Engebretson
Eugene Engebretson, Supervisor

By: Ross Turner
Ross Turner, Supervisor