

TOWN OF SCOTT ORDINANCE NO. 2015-12-01

**AN ORDINANCE REPEALING AND RECREATING CHAPTER 10, ANIMALS
OF THE TOWN OF SCOTT MUNICIPAL CODE**

The Town Board of the Town of Scott, Brown County, Wisconsin do ordain as follows:

Chapter 10, of the Town of Scott Municipal Code, entitled “ANIMALS” is hereby repealed and recreated to read as follows:

SECTION 1. CHAPTER 10 ANIMALS

§ 10-1. Definitions.

The following words terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- A. **AT LARGE** means an animal is off premises of its owner and upon any public street or alley, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property, provided an animal shall not be deemed to be at large if the following provisions apply:
 - 1. It is attached to a leash not more than ten feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.
 - 2. It is properly restrained within a motor vehicle.
 - 3. It is engaged in the act of hunting or training for show, field trial or obedience trial purposes, in control of its owner or his agent competing to govern such animal at such distance, and not annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.
 - 4. No person having in his possession or under his control any animal, shall allow the same to threaten or attack individuals who are passing or present on public or private walkways or property unless restrained by a solid fence of sufficient to contain the animal.
- B. **EXPOSED TO RABIES.** Means an animal has been exposed to rabies within the meaning of this section if it has been bitten by, or come in contact with, any animal known to have been infected with rabies.
- C. **KENNEL.** An establishment where dogs are kept for breeding, sale, or sporting purposes.
- D. **NEUTERED MALE DOG.** Any male dog which has been operated upon to prevent conception.
- E. **OWNER.** Any person owning, keeping or harboring a dog.
- F. **POUND.** Any premises designated by the town board for the purpose of impounding and caring for all animals running at large and/or in violation of this chapter.
- G. **RESTRAINT.** Means a dog is under restraint within the meaning of this section if it is controlled by a leash, at heel beside a competent person and obedient to that person’s commands, on or within a vehicle being driven or parked on the street, or within the property limits of its owner or keeper.
- H. **SPAYED FEMALE DOG.** Any female dog which has been operated upon to prevent conception.

- I. **PROHIBITED.** No person shall have in their possession or under their control an animal that is allowed to run *at large* within the town.
- J. **PROHIBITED DANGEROUS ANIMAL.** Any of the following:
 - 1. Any animal that is determined to be a prohibited dangerous animal under this chapter.
 - 2. Any animal that, while off the owner or caretaker's property, has killed or caused serious bodily harm to a domesticated animal without provocation.
 - 3. Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
 - 4. Any animal brought from another city, village, town, or county that has been declared dangerous by that jurisdiction.
- K. **PUBLIC NUISANCE.** Any animal which:
 - 1. Molests passersby or passing vehicles.
 - 2. Attacks persons or animals without provocation when such persons or animals are peacefully conducting themselves in a place where they are lawfully entitled to be.
 - 3. Is at large on school grounds, parks, or cemeteries.
 - 4. Is repeatedly at large.
 - 5. Damages private or public property
 - 6. Barks, whines, howls, yelps, crows, or makes other noises in an excessive, continuous, or untimely fashion.
 - 7. Does not have the current vaccination as required by this chapter.
 - 8. Is the subject of repeated violations under this chapter.

§ 10-2. Enforcement.

- A. **AUTHORITY.** The provisions of this article shall be enforced by the town animal control/humane officer and/or the Brown County Sheriff's Department.
- B. **ANIMAL CONTROL/HUMANE OFFICER.**
 - 1. *Position.* The town board shall appoint and be responsible for the supervision and direction of the animal control/humane officer.
 - 2. *Powers and duties.* The animal control/humane officer shall perform those duties as directed by the town board and shall have those powers as set forth in WI Stats. §173 and town ordinances relating to animals. WI Stats. §173 is hereby adopted and incorporated herein by reference as amended from time to time.

3. *Citations.* The town animal control/humane officer shall have authority to enforce and implement all animal related ordinances in the town and issue citations to individuals violating those ordinances.
4. *Salary.* The town animal control/humane officer shall receive such salary as set by the town board.

§ 10-3. Investigation; right of entry.

For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the town animal control/humane officer and any Brown County Sheriff's Deputy is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that the animal control/humane officer and/or Brown County Sheriff's Deputy may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in the opinion of the animal control/humane officer or Brown County Sheriff's Deputy, it requires removal from the premises.

§ 10-4. Howling dogs.

No person shall own, keep, harbor or have in their possession any dog within the town which, by frequent or habitual howling, yelping, barking or other disturbing noise, individually or together offends the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. Each day that such disturbance continues or occurs shall be a separate offense.

§ 10-5. Nuisance Violations.

- A. The owner or caretaker of any animal shall confine, restrain, or maintain control over the animal so that the unprovoked animal does not run at large, attack, or injure any person or domesticated animal.
- B. All owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
- C. It shall be unlawful for any person within the Town of Scott to own, harbor, or keep any dog, cat, or other animal which has been determined to be a public nuisance as defined in §10-1 K.

§ 10-6. Licensing.

Regulations and licensing of dogs required. *State Law Reference – Dog license, WI Stats. §§174.05-174.10*

A. It is unlawful for any person in the town to own, harbor or keep any dog more than five months of age without complying with the provisions of WI Stats. §174.09 relating to the listing, licensing and tagging of the same. There is hereby imposed a town dog license tax, payable to the town clerk which includes a dog license tax imposed under WI Stats. §§174.05(2) and 174.05(3). An annual dog license tax shall be paid in the amount of: \$5.00 per dog. One-half of the license tax for dogs that are acquired to become five months of age after July 1.

1. *Late Fees.* The town clerk shall assess and collect a late fee of \$5.00 from every owner of a dog five months of age or older if the owner failed to obtain a license prior to April 15 of each year or within 30 days of acquiring before the dog reached licensable age.
2. *Lost license tag.* In the event that a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag from the Town clerk upon payment of \$3.00.

3. *Change of ownership.* If there is a change in ownership of a licensed dog, or kennel during the license year, the new owner may have the current license transferred to their name upon the payment of a transfer fee of \$1.00.
4. *Transfer prohibited.* No person shall use for any animal a license receipt or license tag issued for another animal.
5. *Kennel license option.* The owners of kennels shall pay \$25.00 license fee per kennel and additional fees for each dog in accordance with (*existing §10-12. Kennel License*). The town clerk shall issue tags for each dog owned by the kennel owner, as provided in WI Stats. §174.053.

§ 10-7. Rabies vaccination required.

It shall be unlawful for any person to keep a dog in the town which is over five months of age and has not received a rabies vaccination as required by WI Stats. §95.21(2). 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 or cats at all times, except as provided in WI Stats. §95.21(2)(f).

§ 10-8. Impoundment.

- A. *Dog subject to impoundment.* The town animal control/humane officer or Brown County Sheriff's Deputy shall attempt to capture, restrain and/or impound any *dog at large* and/or any untagged dog.
 1. *Dogs running at large.* A dog is considered running at large if it is off the premises of its owner and not under the restraint of the owner or some other person as defined in §10-1.
 2. *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.

§ 10-9. Duty to report dog bit.

Every person including the owner or person harboring or keeping a dog who knows that the dog has bitten any person, shall immediately report such fact to the animal control/humane officer or Brown County Sheriff's Deputy.

§ 10-10. Disposition.

- A. *Impounding of dogs.* An animal control/humane officer or Brown County Sheriff's Deputy restraining a dog running at large shall take such dog to the town's designated pound. The boarding fee for impounding dogs shall be the cost incurred by the town for impounding such dog. All cost shall be paid prior to the release of the dog. The animal control/humane officer or Brown County Sheriff's Deputy shall attempt to identify and notify the owner and will keep a public record of all dogs impounded.
- B. *Release of dog to owner or representative.* The animal control/humane officer or Brown County Sheriff's Deputy may release the dog to the owner or representative if:
 1. The owner or representative gives their name and address.
 2. Presents evidence that the dog is licensed and vaccinated against rabies.
 3. Pays all charges for boarding, custody, care, vaccination and treatment.
 4. Makes payment as necessary to the town.

- C. *Disposition of dog for humane purposes.* If the dog is not released to the owner or other person in 21 days, the animal control/humane officer or Brown County Sheriff's Deputy may dispose of the dog, as provided in WI Stats. §174.13, or dispose of the dog in a proper and humane manner.

§ 10-11. Dangerous Dogs.

The following words terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

- A. *Dangerous or potentially dangerous dog means any dog:*

1. With a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
2. Which attacks a human being or another domestic animal without provocation.

- B. Leash and muzzle requirements and prohibitions for Dangerous Dogs

No person owning, harboring or caring for a dangerous or potentially dangerous dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person may permit a dangerous or potentially dangerous dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dangerous or potentially dangerous dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A dangerous or potentially dangerous dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the animal control/humane officer or Brown County Sheriff's Deputy.

- C. Confinement

All dangerous or potentially dangerous dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as described above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous or potentially dangerous dog shall be locked with a key or combination lock when the dangerous or potentially dangerous 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 two feet deep. All structures erected to house dangerous or potentially dangerous 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.

- D. Confinement Indoors

No dangerous or potentially dangerous dog may be kept on a porch, patio or any part of a house or structure that would allow the dangerous or potentially dangerous dog to exit the building on its own volition. No dangerous or potentially dangerous dog may be kept in a house or structure when the windows are open or when screen doors are the only obstacle preventing the dog from exiting the structure.

- E. Prohibited in multi-family dwellings.

No dangerous or potentially dangerous dog may be kept within any portion of a duplex or multi-family dwelling.

F. Signs.

All owners, keepers or harborers of dangerous or potentially dangerous dogs shall display in a prominent place on their premises a sign easily readable by the public using the words: "Beware of Dog". A similar sign is required to be posted on the kennel or pen of the dog.

G. Insurance.

All owners, keepers or harborers of dangerous or potentially dangerous dogs shall provide to the town board proof of public liability insurance in a single incident amount of \$50,000.00 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of dangerous dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten day written notice is first given to the animal control/humane officer or Brown County Sheriff's Department. The owner or custodian of the dangerous or potentially dangerous dog shall produce evidence of the required insurance upon request of a law enforcement officer. This section does not apply to dogs kept by law enforcement agencies.

H. Dangerous or potentially dangerous dog determination

The Town animal control/humane officer or Brown County Sheriff's Deputy shall investigate every dog complaint and make a determination as to whether or not such dog is dangerous or potentially dangerous as defined in this ordinance. In the event the animal control/humane officer or Brown County Sheriff's Deputy makes a determination that a dog is dangerous or potentially dangerous, the owner, keeper, harborer of such dog will be notified in writing and provided with a copy of this ordinance.

I. Appeal.

Whenever an owner or caretaker wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the Town animal control/humane officer or Brown County Sheriff's Department a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Town Board to be reviewed at the next regular meeting. The Town Board shall act as a quasi-judicial body, allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared dangerous.

After the hearing, the owner or caretaker shall be notified in writing of the Board's determination. If the Board upholds the determination that the animal is dangerous, the owner or caretaker shall comply with the requirements of §10-11. If the owner or caretaker further contests the determination, he or she may, within five days of receiving the Town Board's decision, seek review of the decision by the Circuit Court.

J. Compliance.

Within 10 days of the determination that a dog is dangerous or potentially dangerous, as provided in this section, the owner of such dog shall either comply with all provisions of this ordinance or dispose of such dog.

K. Disposition of dangerous or potentially dangerous dogs.

Any dog that has caused bodily harm to a person, persons, or a domestic animal on two 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. The Town may petition an appropriate court to obtain a court order to destroy such a dog.

§ 10-12. Kennel licenses.

Any person who wishes to operate a kennel in the Town of Scott must first obtain a kennel license from the Town Board. No such license may be granted to an individual to operate a kennel in a platted area.

§ 10-13. Limitation on number of dogs.

No person shall own, harbor, or possess more than three dogs on any residential lot, with the exception that a litter of pups or a portion of a litter may be kept for a period of time not exceeding eight weeks.

§ 10-14. Violations and penalties.

- A. Any person who violates any provisions of this Chapter shall be subject to forfeiture as provided in Chapter 1, § 1-3, and Chapter 49, Citations, of this Code. In addition, court costs and costs of prosecution shall be assessed for each such violation.
- B. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provisions of this Code.

SECTION 2. All ordinances or parts of ordinances, in conflict herewith are hereby repealed.

SECTION 3. This ordinance shall take effect the day after passage and publication as provided by law.

Approved and adopted this 29th day of December, 2015.

Mike Van Lanen, Town Chairman

Charles Bouche, Supervisor

Kenneth Jacobs, Supervisor

Colleen Harris, Supervisor

Jeffrey Zlatohlavek, Supervisor

ATTEST:

John Roth, Town Clerk

Date of Publication:_____