

#07 - 02
ANIMAL CONTROL ORDINANCE

SECTION 1. TITLE.

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

SECTION 2. AUTHORITY AND PURPOSE.

This ordinance is enacted under authority of Chapters 95, 173 and 174 of the Wisconsin Statutes. Its purpose is to protect the health, safety, and well-being of persons in the Town of Verona 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.

SECTION 3. DEFINITIONS. As used in this ordinance:

- (1) "*At large*" means an animal which is off the premises of its owner, unless under the control of a person and restrained by means of a chain, rope, leash or cord not more than six (6) feet in length and of sufficient strength to directly and effectively control the action of such animal.
- (2) "*Collecting official*" means the town treasurer or a person deputized by the treasurer, or a person appointed to serve as a license collecting official by a town ordinance or Town Board resolution.
- (3) "*Domestic animal*" means an animal that is a member of a species that has been domesticated by humans, including, but not limited to, dogs and cats.
- (4) "*Dangerous animal*" means an animal which:
 - (a) has attacked, bitten or injured another domesticated animal or human being engaged in a lawful activity; or
 - (b) has without provocation and off the property of its owner, chased, confronted or approached a person in a menacing fashion such as would put an average person in fear of attack; or
 - (c) has been trained for fighting or attack and is being handled, kept or maintained in a manner that causes or should cause an owner to know that it potentially poses a threat to public health and safety; or
 - (d) has otherwise acted in any manner that causes or should cause an owner to know that the animal is a threat to public health and safety.
- (5) "*Isolation facility*": the Dane County Humane Society shelter, a veterinary 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.
- (6) "*Officer*" means a peace officer, full-time health officer, Dane County Humane officer, the Town's animal control officer or any other person designated by the Town Board to enforce this ordinance or any provision hereof.
- (7) "*Owner*" means any person who owns, harbors, keeps, controls or has custody of a domestic animal.
- (8) "*Untagged dog*" means a dog which does not have a valid license tag attached to a collar being worn by the dog while it is outdoors and not securely confined in a fenced area.

- (9) "Veterinarian" has the same meaning as provided in §453.02, Wis. Stats.
- (10) "Vicious animal" means an animal that has been found to be a dangerous animal on two (2) separate occasions.

SECTION 4. DOG LICENSE AND TAG REQUIRED.

- (1) The owner of a dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age pay the dog license tax and obtain the dog license and tag, as required by §§174.05(1) and 174.07(1), Wis. Stats.
- (2) The owner shall securely attach the tag to a collar and a collar with the tag attached shall be kept on the dog for which the license is issued whenever the dog is outdoors unless the dog is securely confined in a fenced area.
- (3) A dog license shall not be issued to an owner of a dog by the Town's collecting official except upon presentation of evidence that the dog is currently immunized against rabies, as required by §174.07(1)(b), Wis. Stats.
- (4). In addition to the statutory dog license tax required by §174.05(2), Wis Stats. and any additional tax required by Dane 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 §174.05(3), Wis. Stats.

SECTION 5. RABIES VACCINATIONS OF DOGS REQUIRED.

- (1) The owner of a dog shall have the dog vaccinated against rabies by a veterinarian, or if a veterinarian is physically present at the location the vaccine is administered, by a veterinarian technician as required by §95.21(2)(a), Wis. Stats.
- (2) The owner of a dog shall attach the required rabies vaccination tag to the dog in the manner and at the times required by §§95.21(2)(e) and 95.21(2)(f), Wis. Stats.

SECTION 6. OWNER RESPONSIBILITIES.

- (1) The owner of a domestic animal shall be responsible for the conduct of the animal, including the full amount of damages caused by the animal.
- (2) *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.
- (3) *Untagged Dog*: It shall be unlawful for an owner to own, harbor, or keep any untagged dog.
- (4) *Vicious Animal*: It shall be unlawful for an owner to own, harbor, or keep a vicious animal.
- (5) *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 issuance under this provision, an animal shall be deemed to be 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 Verona within any three month period and the Animal Control Officer 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.

- (6) *Other Animal Conduct:* It shall be unlawful for an owner to own, harbor, or keep any animal which:
- (a) Habitually pursues vehicular or pedestrian traffic upon any public road or highway within the Town;
 - (b) Kills, wounds, or habitually chases any domestic animal.
 - (c) Habitually destroys the property of persons within the Town.

SECTION 7. 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 Dane County Humane Society Officer, or the Town's Animal Control Officer.

SECTION 8. QUARANTINE OF DOG OR CAT.

An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

SECTION 9. COMPLIANCE WITH QUARANTINE ORDER.

The owner of any dog or cat 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 dog or cat pursuant to the authority of §§95.21(4) and (5), Wis. Stats.

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

SECTION 10. LIMITATION ON NUMBER OF DOGS AND CATS

- (1) The keeping of a large number of dogs or cats poses health, safety and public welfare risks and is deemed a public nuisance.
- (2) Except as provided in sub. (3), it shall be unlawful for any person to own, harbor or keep more than four (4) dogs over the age of five (5) months, or more than one litter of puppies on any parcel containing two (2) contiguous acres or less.
- (3) The Town Board may issue a permit allowing an individual to own, harbor or keep more than four (4) dogs of five (5) months of age or older or more than one litter of puppies on a parcel two (2) contiguous acres or less as provided in this subsection. Such permit shall specify the maximum number of dogs to be permitted and will be considered by the town board only at a scheduled town board meeting that has been publicly noticed and of which notices have been sent to all adjacent neighbors. The permit may contain any conditions deemed reasonably necessary by the Town Board to prevent the keeping or harboring of such dogs from creating a threat to the health, welfare or safety of the public. An approved permit may be suspended or revoked by a majority vote of the town board if dogs covered by the permit are found to be unlicensed, not adequately vaccinated for rabies, disturbing the peace or found to be dangerous or vicious.

SECTION 11. APPOINTMENT AND COMPENSATION OF OFFICER.

The Town Board shall appoint an animal control officer to enforce the provisions of this ordinance, and shall by resolution set compensation for the officer in the form of salary and/or fees. The Town Board may appoint one or more persons as assistant animal control officer(s) and delegate to such person(s) the power and duties the board deems necessary.

SECTION 12. DUTIES OF OFFICER.

The Animal Control Officer shall have the power and duty to enforce the provisions of this ordinance, including, but not limited to, all of the following:

- (1) *Quarantine.* The officer shall cause to be quarantined in an isolation facility any dog or cat if the officer has reason to believe that the animal has bitten a person, is infected with rabies or has been in contact with a rabid animal.
- (2) *Impoundment.* The officer may capture and restrain, or cause to be captured and restrained, any dog or other animal found to be dangerous, running at large or untagged in the Town. If the owner cannot be ascertained and notified, the officer shall notify or deliver the dog or other animal to the Dane County Humane Society facility.

When a dog is impounded the officer shall release the dog only if:

- (a) the owner or representative claims the dog and provides reasonable evidence of ownership,
 - (b) the owner provides reasonable evidence that the dog is properly licensed,
 - (c) the owner provides reasonable evidence the dog is currently vaccinated against rabies, and
 - (d) all charges for custody, care, vaccination and treatment are paid.
- (3) *Destruction of Animal.* The officer may order killed or may kill an animal in the lawful performance of his or her duties pursuant to §§95.21 and 174.02(3), Wis. Stats.
 - (4) *Enforcement of Citation.* The officer may enforce any provision of this ordinance through the issuance of a citation.
 - (5) *Records.* The officer shall keep such records of animals and animal complaints as are required by the Town Board and by any applicable county laws and state statutes.
 - (6) *Penalties and Deposits.* Any person found to have violated any provision of this ordinance shall forfeit not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each offense, plus all applicable court costs, assessments, fees and surcharges required by statute. Each day of a violation shall be deemed a separate offense. For citation purposes, the cash deposit permitted shall be one hundred dollars (\$100.00) plus applicable court costs, assessments, fees and surcharges.

SECTION 13. APPEALS.

Any administrative order or notice of violation issued 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 schedule a hearing within ten (10) days of the filing of the appeal and a hearing will be held within thirty (30) days of the appeal, at which time any interested party desiring to be heard shall be heard. A decision on the appeal shall be made within ten (10) days following the date of the hearing.

Said determination shall be considered a final determination which may be appealed to the circuit court by certiorari as provided in §68.13, Wis. Stats. within thirty (30) days of receipt of the decision.

SECTION 14. NONEXCLUSIVITY.

The provision for enforcement by issuance of citations under this ordinance shall not preclude the Town Board from proceeding under any other ordinance or law or by any other enforcement method to enforce this ordinance.

SECTION 15. SEVERABILITY.

The terms and provisions of this ordinance shall be deemed severable, and if any one of them is held invalid, the remainder of the ordinance shall not be affected thereby.

SECTION 16. REPEAL OF PRIOR ORDINANCE.

The Ordinance 'Providing for the Regulation of Dogs in the Town of Verona', adopted by the Verona Town Board on January 13, 1971, is hereby repealed and replaced by this ANIMAL CONTROL ORDINANCE.

SECTION 16. This ordinance shall take effect sixty (60) days after passage and publication as required by law.

David K. Combs, Town Chair

I, Rose M. Johnson, Adm./Clerk/Treasurer of the Town of Verona, do hereby certify that the foregoing ordinance was duly passed and enacted by the Verona Town Board at the October 3, 2007 meeting.

Rose M. Johnson, Adm./Clerk/Treasurer
Posted: 10/5/2007
Effective: 12/5/2007