

ORDINANCE NO. 2-2011

TOWN OF GARFIELD

POLK COUNTY, WISCONSIN

DOG NUISANCE ORDINANCE

Section A: Authority. The Town Board of the Town of Garfield has the authority under its village powers under Sec. 60.22, Wis. Stats., and the specific authority under Sec. 60.23(30), and Chapters 173 and 174, Wis. Stats., to adopt this ordinance.

Section B: Title. This Ordinance shall be known as the “Town of Garfield Dog Nuisance Ordinance” and when referred to herein it is also known as “this Ordinance.”

Section B: Purpose. The purpose of this Ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the Town, as well as protect residents and their property.

Section D: Definitions. For purposes of this Ordinance, certain words or phrases used herein are defined as follows:

Abandoned. An owner has failed to pay the impoundment and care costs incurred by the Town, as specified in Section H of this Ordinance.

Animal Shelter. Any premises designated by the Town Board for the purpose of impounding and caring for animals held under the authority of this Ordinance.

Animal Control Officer. Appointed and empowered by the Town Board to enforce this Ordinance.

Law Enforcement Officer. Any person 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.

Legal Premise. The real property owned or occupied by the owner of a dog.

License. A numbered metallic tag to be issued to the owner after payment of the required fee and exhibition of proof of rabies vaccination.

Officer. Any officer of the Town designated by the Town Board to assist in the enforcement of this Ordinance.

Owner. A person who owns, harbors, or keeps a dog.

Running At Large. A dog that is off the owner’s legal premise and not under the control of the owner or some other person.

Stray Dog. A dog running at large whose owner is unknown.

Town. The Town of Garfield.

Town Board. The Board of Supervisors of the Town of Garfield.

Town Clerk. The Town Clerk of the Town of Garfield.

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.

Wis. Stats. Wisconsin Statutes, including successor provisions of cited statutes.

Section E: Restrictions on Dogs. Except as provided in Section F of this Ordinance, it shall be the obligation and responsibility of the owner or agent of the owner of a dog within the Town, whether permanently or temporarily therein, to prevent such dog from committing any act which constitutes a nuisance. It shall be considered a nuisance for any dog to:

1. Run at large.
2. Be untagged or unlicensed.
3. Be abandoned.
4. Unreasonably annoy or disturb a person(s) or neighborhood by frequently and habitually howling, yelping, barking, or making other loud noises.
5. Frequent school grounds, parks or public beaches.
6. Chase vehicles.
7. Molest or annoy any person if such person is not on the property of the owner or agent of the owner's property.
8. Molest, defile or destroy any property, excepting that of the owner or agent of the owner.
9. Kill, wound or worry domestic animals, livestock, deer, or game birds.

Section F: Exceptions. The following are exceptions from Section E coverage:

1. 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 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.
2. A dog that is used by a law enforcement agency as defined in Sec. 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.
3. A dog that is untagged and kept in the Town for the blind, deaf, or mobility-impaired or for educational or scientific purposes as determined by the Town Board shall not be considered untagged for purposes of this Ordinance.

Section G: Licenses.

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, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license fee and obtain a license.
2. Dogs used by blind, deaf or mobility-impaired persons or dogs that are kept only for educational or scientific purposes are exempt from the dog license, fee, and such persons shall receive annually a free dog license.

- a. The owner must still apply using normal procedures.
 - b. The owner must still provide proof of rabies vaccination.
3. The Town Board shall set the fee for a dog license in accordance with Sec. 174.05(2), Wis. Stats., and included in the Town Fee Schedule.
4. The dog license year commences on January 1 and ends on the following December 31.
5. If there is a change in ownership during the license year, the owner shall notify the Town Clerk to have the license transferred to the new owner's name.
6. A penalty will be assessed, as included in the Town Citation Ordinance, to any owner of an unlicensed dog after April 1. The delinquent/unlicensed dog owner list will be turned over to the proper authorities for collection.

Section H: Town Authority.

1. An authorized Town officer shall attempt to capture and restrain any dog running at large or any untagged dog. The Town Board authorizes the Town Animal Control Officer to act under this Section.
2. The Town Board has created the office of Town Animal Control Officer who is authorized to enforce this Ordinance. The Animal Control Officer is specifically authorized to take into custody animals in the Town, including dogs, under Sec. 173.13, Wis. Stats.
3. Law Enforcement Officers employed by the Town Board are authorized to take into custody animals in the Town, including dogs, under Sec. 173.13, Wis. Stats.
4. Any person, including Town officers and the Animal Control Officer, may take into custody any dog running at large in the Town but shall timely deliver the dog to the local animal shelter to provide care, treatment, or disposal of the dog.
 - a. If the identity of the of a dog taken into custody by a Town official or employee under this Ordinance is known or can be determined, the Town Clerk shall provide written notice to the owner that the dog is in Town 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 seven (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.
 - b. 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.
 - c. Any Town expenses incurred that are not reimbursed by the owner shall be assessed against the property.
5. Unclaimed stray dogs remaining in custody of the Town for seven (7) days and abandoned dogs remaining in custody of the Town for seven (7) days after issuance of the notice to the owner under Section H.3. may be released to a person other than the owner, in accordance with Sec. 173.23(1m)(a), Wis. Stats., euthanized under Sec. 173.23(1m)(c), Wis. Stats., or released for scientific or research purposes under Sec. 174.13, Wis. Stats.
6. The Town and its officers and agents shall comply with Chapters 173 and 174, Wis. Stats.
7. 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 I: Penalties. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall pay the required forfeiture, as included in the Town Citation Ordinance, plus the applicable surcharges, assessments, and cost 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 J: Severability. If a court of competent jurisdiction determines that any section, clause, provision or portion of this ordinance is unconstitutional or invalid for any reason, the remainder of this ordinance shall not be affected by any such determination.

Section K: Effective Date. This ordinance shall be effective after public hearing, adoption by the Town Board, and publication as required by law.

Adopted by the Town of Garfield July 12, 2011.

Edward O. Gullickson, Chairman

ATTEST

Sue Knutson, Clerk