

ORDINANCE 2-00

ORDINANCE PROHIBITING DOGS, EXOTIC PETS, SNAKES AND LIVESTOCK FROM RUNNING AT LARGE, FOR OWNERS OF DANGEROUS ANIMALS, WILD OR DOMESTIC AND ESTABLISHING ANIMAL CONTROL PROCEDURES

REPEAL OF PRIOR ORDINANCE

Town of Mukwa Ordinance 2-94, Addendum to Ordinance 2-94, and Addendum #2 to Ordinance 2-94 is hereby repealed in its entirety. The passing of this ordinance declares that the previous ordinance and addendum's to Regulating and Licensing of Dogs in the Town of Mukwa is null, void, and stricken in its entirety.

1.0 INTRODUCTION

1. Authority: This ordinance is adopted pursuant to authority conferred by Chapter 60 and 174, Wis. Statutes.
2. Purpose: The purpose of this ordinance is to promote the public health, safety and general welfare of the Town of Mukwa by requiring owners to control dogs, exotic pets, snakes, cats, and livestock, by requiring reasonable restrictions on the keeping of dogs, exotic pets, snakes, cats and livestock and establishing administrative procedures.
3. Definitions: For the purpose of this ordinance, the following terms are defined.
 - (a) At Large: Any dog, exotic pet, snakes or livestock 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.
 - (b) Domestic Animal: A domestic animal is any dog, cat.
 - (c) Harboring or Keeping a Dog, Exotic Pet, Snakes, Cat or Livestock: Harboring or keepings a dog, exotic pet, snakes, cats or livestock is to afford it lodging, to shelter it or give it refuge.
 - (d) Kennel License: Any establishment wherein or whereon dogs are kept for the purpose of breeding, sale or sporting purposes. Two acres of land must be had to have a kennel license on your property.
 - (e) Livestock: Any horse, bovine, sheep, goat, pig, elk or other deer raised in captivity, llama, alpaca, domestic rabbit, farm raised deer as defined in section 95.001 (1)(a) Wis. Statutes or domestic fowl, including game fowl raised in captivity.
 - (f) Officer: A designated officer appointed or elected by the Town of Mukwa.
 - (g) Owner: Any person, who owns, harbors or keeps a dog, exotic pet, snakes, cats or livestock. The occupant of any premises on which the dog remains or to which it customarily returns daily for a period of ten (10) days is presumed to be owning, harboring, or keeping the dog within the meaning of this ordinance.

(h)Untagged Dog: A dog is untagged if a valid license 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.

2.0 GENERAL PROVISIONS

1. Livestock at Large Prohibited: It shall be unlawful and a violation of this ordinance for any person owning, harboring or keeping livestock to permit, allow or cause such livestock to run at large in the Town of Mukwa.
2. Dogs at Large Prohibited: It shall be unlawful and a violation of this ordinance for any person owning, harboring or keeping a dog to permit, allow or cause such dog to run at large in the Town of Mukwa.
3. Exotic Pets, or Snakes Prohibited: It shall be unlawful and a violation of this ordinance for any person owning, harboring or keeping exotic pets, or snakes to permit, allow or cause such exotic pet or snakes to be at large in the Town of Mukwa.
4. Restrictions on Harboring or Keeping Dogs, Livestock, Etc.: It shall be unlawful and in violation of this ordinance for any person to harbor or keep a dog which habitually pursues any vehicle on a public right-of-way; which assaults or attacks any person off the premises; which habitually barks or howls as to constitute a reasonable annoyance to other persons; which kills, wounds or worries any livestock or other domestic animal; which exceeds five months of age but has not been issued a valid license; which is known or reasonably known to be infected with rabies or bitten by an animal known to have been infected with rabies but not confined and quarantined; or which is untagged.
5. Household Pets: Shall be permitted in all zoning districts; provided that not more than three (3) dogs are kept on any one premise; and provided further that no animal, fowl or pets are bred or reared on such premises for commercial purposes or sold therefrom. Residents with more than three (3) dogs as of this date will be grandfathered in.
6. Limit on Number of Dogs Harbored or Kept: It shall be unlawful and a violation of this ordinance to harbor or keep more than three (3) dogs over five months of age unless a kennel permit has been issued by the Town of Mukwa. Residents with more than three (3) dogs as of this date will be grandfathered in.
7. All Animals Other than Household Pets: Shall be permitted only in the agricultural and conservation districts but subject to the following restrictions.
 - (a)Parcels under three (3) acres; no horses, burrows, donkeys, cattle, llamas, chickens, hogs, sheep, goats, or animals with cloven hooves may be raised or kept on said parcel. This includes any derivative or offspring of the above.
 - (b)Parcels between three (3) and five (5) acres in size; up to two (2) horses or donkeys may be kept on said premises, but the other restrictions of paragraph (a) apply.
 - (c)Parcels between five (5) and ten (10) acres; up to five (5) horses or donkeys, and up to two (2) llamas with the rest of paragraph (a) applying.

8. Setting Dogs/Cats at Large Prohibited: No person shall open any door or gate of any private premises for the purpose of setting any dog/cat at large, and no person shall so set any dog/cat at large which is confined in the pound.

9. Impoundment and Disposition of Dogs:

(a)Impoundment: Any officer or other person restraining a dog running at large shall take the dog to the designated animal shelter. The boarding fee for impounded dogs shall be \$10.00 for the first day and \$5.00 daily thereafter. The Keeper of the Pound shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.

(b)Release of Dog to Owner or Representative: The officer or pound to which a dog is delivered may release the dog to its owner or a representative of the owner only if: The owner or representative gives his or her name and address; The owner or representative presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation; The owner or representative pays the boarding fees and any impoundment fee for the dog.

(c)Release of Dog to Person other than Owner: The officer or pound to whom a dog is delivered, may release the dog to a person other than the dog's owner only if:

1. The owner is unknown or does not claim the dog within seven (7) days after the dog is delivered to the officer or pound;

2. The person to whom the dog is released gives his or her name and address;

3. The person to whom the dog is released signs a statement agreeing to license the dog and to have the dog vaccinated against rabies unless evidence is presented that the dog is licensed and vaccinated; and

4. The person to whom the dog is released, if required by the officer or pound, pays the boarding fees and any impoundment fee for the dog.

10. 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 Waupaca County Health Officer. Any person who fails to report such a bite shall forfeit not more than \$25.00.

11. Quarantine or Sacrifice of Dogs Suspected of Biting a Person or Being Infected with Rabies: Should a quarantine of an animal be ordered, the owner of the offending animal will be liable for complying to such order and for all costs incurred. The Health Officer may order a dog quarantined if he/she 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 cannot be captured, the officer(s) may kill the animal. The officer(s) may kill a dog only as a last resort or if the owner agrees. The officer(s) shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

12. Quarantine Order: If a quarantine is ordered, the owner of the dog shall be subject to provisions of 95.21(5), (6) and (8), Wis. Statutes (1991-1992).

13. Dog License Tax:

(a)Requirement: The owner of a dog more than five (5) months of age on January 1st 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 a license.

(b)Tax: The minimum dog license is \$3 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed and \$8 for an unneutered male dog or unspayed female dog.

(c)License Year: The license year commences on January 1st of each year and ends on the following December 31st.

(d)Late Fees: The Town Treasurer shall assess and collect a late fee of \$5 from every owner of a dog five (5) months of age or over, if the owner failed to obtain a license prior to April 1st of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the Town treasury as revenue of the Town. The Town Board may, when setting the amount of tax, provide that any person purchasing a dog license for a dog five (5) months of age or over after April 1st shall pay an additional late fee.

(e)Listing: The Town shall annually, by September 1st, ascertain by diligent inquiry the dogs owned or kept within the Town. Every person shall answer frankly and fully all questions relative to the ownership and keeping of dogs with the Town of Mukwa.

14. Surrender of an Animal to the Constable: There will be a fee of \$50.00, to the owner of any animal surrendered to the constable.

15. Considered Abandoned: If there is no response from an owner after two (2) days from contact and, if no arrangements are made, the animal is considered abandoned. The owner is to pay fines and kennel fees and the constable will then dispose of the animal.

3.0 OWNERS OF EXOTIC PETS OR SNAKES

Owners of exotic pets or snakes shall comply with the same rules and regulations as pertain to ownership of dogs as follows:

Definitions (a) and (g)

General Provisions (3) (4) and (8)

(a) Failure to comply with the above rules and regulation under this ordinance; or, if upon violation of these regulations, and the owner cannot capture his/her exotic pet or

snake/s, the Town Constable may kill the exotic pet or snake/s only as a last resort or if the owner agrees. The town officer will attempt to kill the animal in a humane manner.

4.0 OWNERS OF DANGEROUS ANIMALS

Owners of dangerous animals which bite, scratches, or otherwise injures any human or other domestic animal or which demonstrates menacing and dangerous behavior toward a human being and/or property or other domestic animal/s.

(a) Owners of dangerous animals, wild or domestic, shall comply with the same rules and regulations as pertain to ownership of dogs as follows:

Definitions (a) and (g)

General Provisions (2) (4) and (8)

(b) Investigation: For the purpose of discharging the duties imposed by this section and to enforce its provisions, the town constable is empowered to enter upon any premises upon which an animal is kept or harbored and to demand the exhibition by the owner the identifying information for such animal. It is further provided that the officer 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 his/her opinion, it requires removal from the premises.

(c) Interference: No person shall interfere with or hinder an officer in the performance of any duty of such agent or seek to release any animal in the custody of the constable or the animal shelter.

(d) Noncompliance: Failure to comply with the above rules and regulations under this ordinance; or if upon violation of these regulations, and the owner cannot capture his/her pet, the Town Constable may kill the pet only as a last resort or if the owner agrees. The town officer will attempt to kill the animal in a humane manner.

5.0 ADMINISTRATION AND ENFORCEMENT *Please see Amendment One*

1. Penalties: Any person, who violates any provision of this ordinance, shall upon conviction forfeit not less than \$50.00, or more than \$1,000.00 together with the costs of prosecution for each offense. Each day of a violation shall constitute a separate offense.

2. Listing Official: The Town Treasurer is hereby designated as the listing official for dog license purposes.

3. Effective Date: This ordinance shall take effect upon passage and publication. This ordinance repeals and supersedes Ordinance No. 2-94.

Passed this 18th day of September, 2000.

/s/Jim Curns, Town Chairman

/s/Lloyd Stern, Supervisor #1

Aye 3

Nay 0

/s/Neil Freeman, Supervisor #2

Filed this 18th day of September, 2000
in the office of the town clerk.

/s/Catherine Stern, Mukwa Town Clerk

Posted:

Mukwa Town Hall	September 20, 2000
Corner of Manske Rd & Cty Trk W	September 20, 2000
Northport Convenience Center	September 20, 2000
Code of Ordinance Published	September 1, 2000
Adoption Published	September 22, 2000