

TOWN OF HAMMOND

ORDINANCE # 2016 - 02

DOGS & MISCELANEOUS ANIMAL PROVISIONS

AMENDED AND RESTATED

An ordinance to regulate dogs and other animals within the Town of Hammond, St. Croix County, Wisconsin ("Town").

The Town Board of the Town of Hammond, St. Croix County, Wisconsin, does ordain as follows:

SECTION I: STATE STATUTES ADOPTED

Wisconsin Statutes § 95 (Animal Health), 173 (Animals: Humane Officers), 174 (Dogs), and 951 (Crimes Against Animals), are adopted by reference. If there is a conflict between the provisions of Wisconsin Statutes and this Ordinance, the provisions of this Ordinance shall apply except in those cases where State Statutes are preemptive.

SECTION II: - DEFINITIONS

DEFINITIONS: As used in this ordinance, unless the context indicates otherwise:

- A. "Animal Control Officer" means a person designated by the Town of Hammond Board to be responsible for enforcing and upholding this ordinance. This shall be the Town Chair or any law enforcement officer, and any person designated by the Town Board.
- B. "Collar" means a band, strip or chain placed around the neck of a dog.
- C. "Commercial Kennel" means any establishment, structure or premises wherein or whereon dogs or cats are kept for the purpose of boarding, breeding, sale or sporting purposes. (The term kennel means a kennel in the common and ordinary use of the word).
- D. "Dangerous and Vicious Dog" means a dog that there is reason to suspect may suddenly assault a person or their property while peacefully on public property including but not limited to paths, sidewalks, roadways and parks, on private property, or while lawfully on the premises of the owner of such dog. Evidence of such a reasonable suspicion may include, but is not limited to, a known history of having bitten people on more than one occasion, a known history of endangering life by an unprovoked assault or bite so as to cause bodily harm, a known history of attacks on other dogs, cats or livestock which

injured or killed the other animal. "Dangerous and Vicious Dog" also includes a dog trained, owned or harbored for the purpose of dog fighting.

A dog shall not be deemed dangerous or vicious solely because of an incident where:

1. It bites, attacks or menaces anyone assaulting its owner.
2. It bites, attacks or menaces a trespasser on the property of the owner of the dog.
3. It bites, attacks or menaces any person or other animal who has tormented or abused it.
4. It is acting in defense of an attack from a person or other animal upon its owner or other person.
5. It is protecting or defending its young or another animal on its own home territory.

E. "Leash" means a device used to restrain a dog.

F. "Owner" means any person who owns, harbors, or keeps a dog.

G. "Pit bull" as that term is used in this Ordinance is defined to mean:

1. The Staffordshire bull terrier breed of dog;
2. The American pit bull terrier breed of dog;
3. The American Staffordshire terrier breed of dog;
4. The Rottweiler, Akita, and Chow;
5. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds.

H. "Pound" means a place designated by the Town of Hammond Board where dogs found as specified under Section III shall be housed awaiting disposition.

I. "Town Health Officer" means a person designated by the Town of Hammond Board to notify the veterinarian in the case of a bitten person. This shall be the Town Chair if no person has been so designated.

SECTION III – DOGS RUNNING AT LARGE, LICENSING, MAXIMUMS, AND MISCELLANEOUS

- A. Dogs 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. On public thoroughfares dogs must be restrained by leash.
- 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. Female animals in season (estrus). Any female in season shall be kept confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel during the duration of the season.
- D. A dog running at large or untagged dog is subject impoundment. The Animal Control Officer may attempt to capture and restrain a dog running at large and any untagged dog.
- E. Warnings. A letter of warning may be issued to dog owners having a dog running at large when observed for the first time.
- F. Owners, Harborers, or Keepers of dogs found to be running at large may be issued a citation. An impoundment fee of \$25.00 per offense shall be collected for any dog that is impounded. The Owner of an impounded dog will be responsible for all boarding costs associated with impoundment. Such costs to be paid to the Town Clerk/Treasurer per Section V.
- G. Dog licensing and multiple dog regulations.
 - 1. Wisconsin State Statute § 174.05 requires rabies vaccination and licensing of all dogs 5 months of age or older by January 31. Licensing fees are \$5 for a neutered male or spayed female dog, and \$10 for an unaltered male or female dog.
 - 2. A license is required for each dog. This Ordinance adopts the Wisconsin statutory provisions as listed under Section I of this Ordinance pertaining to licensing and other matters. No license shall be issued without proof of vaccination against rabies for any dog over the age of 5 months that is kept within the Town. A photocopy of the rabies vaccination is required before a license is issued.
 - 3. Failure to comply with Section 7 (174.07) by January 31st may result in a citation and forfeiture pursuant to Section XII.

4. In order to harbor or keep more than three dogs in the Town, the owner of the property where the dogs will be harbored or kept must obtain written permission from all adjoining neighboring property owners and tenants, and approval from the Town Board, except that a litter of pups or a portion of a litter may be kept for not more than twelve (12) weeks from birth. This provision applies to all properties of any type (for example, Commercial Kennels and guard dogs).

SECTION IV – IMPOUNDMENT

As stated in Section V, any such animal may be impounded at the impoundment facility designated by the Town Board or, if no such place has been designated, at a place chosen by the Animal Control Officer, until disposition is made according to Section V.

SECTION V – NOTIFICATION AND DISPOSITION

- A. Notification. The Animal Control Officer shall notify the owner of any licensed dog either personally or by US mail if his name and address is known or can be ascertained, and if such owner be unknown or cannot be ascertained, the Animal Control Officer shall advertise, as required by Sec. 170.02, Wis. Stats., giving a description of the dog, stating where it is impounded and the conditions of its release. If seven (7) days pass after such notice and the owner does not claim the dog, the Town (Animal Control Officer) shall attempt to find a suitable home for such dog or dispose of it in a humane manner pursuant to Wisconsin state law. The Animal Control Officer shall keep a record of every dog given away or otherwise disposed of describing the dog with reasonable certainty of identification and listing the name and address of the party to whom delivered or the manner otherwise disposing of the dog.
- B. Release – To Owner or Representative. An impounded animal may be released to its owner or a representative of the owner provided:
 1. All fees are paid to the Town Clerk/Treasurer to include:
 - a. All fines or forfeitures owed
 - b. All impoundment fees
 - c. All boarding fees
 2. Current license and rabies vaccination are validated. If not current on licensure or vaccination, a warning may be issued with a ten (10) day grace period for compliance. A citation may be issued for failure to comply.
- C. Clerk/Treasurer will issue a receipt for payment of all fees, which upon presentation of said receipt to pound, dog may be released to owner.

- D. Release – To Person other than the Owner. If an owner fails to claim an impounded animal within the statutory time period, the Animal Control Officer or pound to which an animal is delivered may release the animal to a person other than the animal's owner if the person provides the same information stated in Section V (B) above. No animal shall be delivered to any person other than the owner unless the owner is unknown or does not claim the animal within seven (7) days after the animal is delivered to the Animal Control Officer or pound.
- E. The Town may dispose of any dog as provided for in Wis. Stat. § 173.23.

SECTION VI – DOG BITES

- A. The Wisconsin rabies control law requires that a dog or cat which has bitten a person must be delivered to a veterinarian within twenty-four (24) hours after notification by the Town Health Officer for the examination and quarantine of not less than ten (10) days at the expense of the owner.
- B. If the animal is currently immunized against rabies as evidenced by a valid vaccination certificate, the animal may be quarantined on the premises of the owner (following the initial examination by a veterinarian). An animal that is quarantined at home shall be returned to a veterinarian for additional examinations on the tenth (10th) day following the bite and on one intervening day.
- C. Official veterinarian center of the Town of Hammond. See Addendum A.
- D. If no valid evidence of vaccination can be displayed, the dog or cat shall be impounded by the veterinarian or at an isolation facility for at least ten (10) days at the owner's expense.
- E. On the tenth (10th) day, a final examination shall be conducted by a veterinarian who will complete the veterinarian certificate. Failure to comply with the quarantine order may result in citations being issued and any other appropriate action to protect the health and safety of the public. The recommendations of the veterinarian shall determine whether the dog or cat shall be released or destroyed.
- F. Any conflict between this Section and Wisconsin state law concerning handling of animals which have bitten a person shall be resolved in favor of state law.

SECTION VII – PIT BULLS AND OTHER DANGEROUS ANIMALS

- A. Keeping of Dangerous Animals Prohibited. It is unlawful to own, harbor, keep, or in any way possess within the Town limits any of the following:
1. Any wild or exotic animal including but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic cats;
 2. Any animal having poisonous bites;
 3. Any dangerous or vicious dog;
 4. American Bison
- B. Pit Bulls. Owning, harboring or keeping of Pit Bulls is subject to the following conditions:
1. Registration. All owners, harborers or keepers of Pit Bull dogs shall register such dog with the Town by filing with the Town Clerk/Treasurer two color photographs of the dog clearly showing the color and approximate size of the dog. Such registration shall take place within ten (10) days of the dog being kept or harbored in the Town. For dogs currently kept or harbored in the Town, such registration shall occur within ten (10) days of the effective date of this Ordinance.
 2. Leash. No person shall permit a licensed Pit Bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a Pit Bull 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. Such dogs may not be left unsupervised tied or leashed to trees, shrubs, etc., or inanimate objects such as, dog houses, kennels, posts, fences, buildings, etc.
 3. Confinement. All licensed Pit Bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed as provided in subsection (2) (A) of this section. All pens or kennels shall comply with all zoning and building regulations of the Town and shall be kept in a clean and sanitary condition.
 4. Confinement Indoors. No Pit Bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.
 5. Signs. All owners, harborers or keepers of licensed Pit Bull dogs within the Town shall display in a prominent place on their premises a sign easily

readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.

6. Insurance. All owners, harborers or keepers of licensed Pit Bull dogs must provide proof to the Town Clerk/Treasurer of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Town Clerk/Treasurer.
7. Reporting Requirements. All owners, harborers or keepers of licensed Pit Bull dogs must within ten (10) days of the incident, report the following information in writing to the Town Clerk/Treasurer:
 - a. The removal from the Town or death of a licensed Pit Bull dog;
 - b. The birth of offspring of a licensed Pit Bull dog;
 - c. The new address of a licensed Pit Bull dog should the dog be moved within the Town;
 - d. If the licensed Pit Bull dog is sold, the name and address of the new owner.
8. Animals Born of licensed Dogs. All offspring born of Pit Bull dogs licensed within the Town, unless removed from the Town within twelve (12) weeks after the birth, must be registered. Note: This is not an exception to the maximum number of dogs allowed, or any other provision of this Ordinance.

SECTION VIII – INJURY TO PROPERTY BY ANIMALS

The owner, harborer or keeper of any animal has a duty to prevent the animal from leaving the person's property except while under the person's control, to keep the animal under control any time the animal is off the person's property, and to prevent the animal from entering any other person's property without the permission of the owner, and to prevent the animal from damaging any plants or property of any person or defecating on any property other than the owner's property. Any person who breaches that duty shall be liable for any damages a dog they have charge of does to persons or property.

An owner, harborer or keeper or any person in charge of a dog shall take steps to adequately clean up after their dog.

SECTION IX – BARKING DOGS

The Town of Hammond does not regulate issues relating to barking dogs.

SECTION IX – COMMERCIAL KENNELS

In addition to the regulations of this Ordinance, Commercial Kennels are regulated by S. Croix County zoning and licensing ordinances, and the Town's Commercial Kennel licensing ordinance, if any.

SECTION X – INTERPRETATION

The provisions of this Ordinance shall be liberally construed in favor of the protection of the health, safety and welfare of the public, and of the Town, and shall not be construed to be a limitation or repeal of any other power now possessed or granted to the Town.

SECTION XI- SEVERABILITY

If any section, subsection, sentence, clause, phrase, or word of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions. This Ordinance is not intended to repeal or overrule any other existing Ordinance or Town regulation, except that where a conflict between this Ordinance and another Ordinance occurs, the provisions of this Ordinance shall apply.

SECTION XII – VIOLATIONS, ENFORCEMENT AND PENALTIES

- A. Any violation of the provisions and regulations of this Ordinance may result in legal action including but not limited to the issuance of citations. A failure by the Town to take action on any past violation(s) shall not constitute a waiver of the Town's right to take action on any present violation(s).
- B. Citations. Any Town Board member, the Town Animal Control Officer, and any law enforcement officer may issue citations for any violation of this Ordinance pursuant to the Town Citation Ordinance.
- C. First Offense. See fee schedule.
- D. Second Offense. See fee schedule.
- E. Continued Violations. Each violation and each day a violation continues or occurs shall constitute a separate offense.

- F. In addition to any forfeiture imposed, an animal owner who allows an animal to run at large or to otherwise be in violation of this chapter shall be required to pay all costs the Town incurs in enforcing this chapter, including but not limited to costs for animal pickup, kenneling, boarding, impound fees, or other costs related to dealing with the animal which is in violation of this chapter. If costs are not paid pursuant to judgment of conviction or citation, the Town shall bill the animal owner for all costs incurred by the Town. If the animal owner does not pay said costs within thirty (30) days, pursuant to its authority under Wis. Stat. § 66.0627, the Town shall impose said costs as a special charge against any real estate where the animal resides, or is being harbored or kept. Said special charge shall become a lien upon the property for collection along with real property taxes. Landlords shall be notified of renter violations. All relevant correspondence sent to the renter will also be sent to the landlord.
- G. Other Enforcement. Nothing in this Ordinance shall preclude the Town from maintaining any appropriate action, including an action for injunctive relief, to prevent or remove a violation of any provision of this Ordinance.

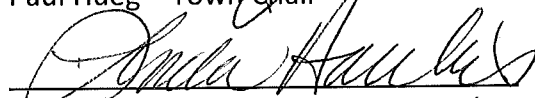
This amended and restated Ordinance was enacted by the Town Board this 14 day of March, 2016, 2016, and shall be effective upon posting or publishing as provided by Wis. Stat. § 60.80.

Approved: For 5

Against 0



 Paul Hueg – Town Chair



 Attest: Linda Hawkins – Town Clerk/Treasurer