

ORDINANCE # 41

DOG KENNEL ORDINANCE

STATE OF WISCONSIN Town of Emmet, Dodge County

SECTION I - TITLE AND PURPOSE - DOG KENNEL ORDINANCE

The title of this ordinance is the Town of Emmet Dog Kennel Ordinance. The purpose of this ordinance is to allow for the oversight and control of a dog kennel in the Town of Emmet, Dodge County, WI.

To clarify the applicability of the ordinance to owners of 4 or more dogs at time of adoption of the ordinance, the following sections were modified on 5/11/22:

Section V - New Language Added

Section VI – Repealed and Replaced

SECTION II – ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the care, treatment, and control of dogs in the town.

SECTION III – DEFINITIONS

In this ordinance:

- A. "Legal premise" means the real property owned and occupied by the owner of a dog.
- B. "Owner" means a person who owns, harbors, or keeps a dog.
- C. "Kennel" means a legal premise where dogs are owned, harbored or kept as personal pets, or for boarding, breeding, sport or grooming.
- D. "Town" means the Town of Emmet in Dodge County, Wisconsin.
- E. "Town board" means the board of supervisors for the Town of Emmet, Dodge County, Wisconsin, and includes designees of the town board authorized to act for the town board.
- F. "Town clerk" means the clerk of the Town of Emmet, Dodge County, Wisconsin.
- G. "Wis. stats" means the Wisconsin Statutes, including successor provisions of cited statutes.

SECTION IV – LIMITS ON NUMBER OF DOGS AND LITTERS OF PUPPIES

- A. A person may own, harbor or keep four (4) and up to twelve (12) adult dogs on their legal premise if a Dog Kennel Permit is approved and issued. A kennel of more than twelve (12) adult dogs is not permitted in the Town of Emmet.
- B. A person may have two (2) or more litters of puppies per calendar year on their legal premise if a Dog Kennel Permit is approved and issued.
 - 1. A litter of puppies may be kept for a period not to exceed eight (8) months.

SECTION V - DOG KENNEL PERMIT – NEW

This section applies to:

- a. A person who owns, harbors or keeps four (4) or more adult dogs over the age of five months on their legal premises
 - b. A person who has licensed 3 or fewer dogs in the prior license year and are intending to own, harbor or keep additional dogs over the age of five months on their legal premises
 - c. A person who has 2 or more litters of puppies per calendar year on their legal premise
- A. A Dog Kennel Permit may be granted or denied by the Town Board based on the suitability of the property for use as a kennel, compatibility of the proposed property in question with land uses on adjacent and nearby properties and whether the proposed operation will promote the public health, safety and general welfare.
- B. Dog Kennels are not allowed except as follows:
1. Property zoned A-1 Prime Agricultural, A-G General Agricultural, C-C Convenience Commercial, E-C Extensive Commercial or R-D Rural Development. Dog Kennels are a conditional use in these zoning districts.
 2. No structure(s) are allowed to be located within one hundred (100) feet of an adjoining residence.
- C. Application for Permit Shall Include:
1. Name and legal premise of kennel owner/operator.
 2. Include drawings and specifications for proposed shelters. Including the location and distance of kennel shelter(s) as it/they relate to adjacent residences.
 3. Proposed number of adult dogs and their breeds to be owned, harbored or kept.
 4. Proposed number of litters of puppies per year – if applicable.
 5. Names and addresses of adjoining property owners.

SECTION VI – DOG KENNEL PERMIT – OWNERS OF FOUR (4) OR MORE DOGS AT TIME OF ADOPTION OF ORDINANCE

A person who owns, harbors or keeps four (4) or more adult dogs over the age of five months on their legal premises at the time of adoption of this ordinance and has licensed those dogs in the 2021 license year:

- A. May retain all dogs currently owned and must continue to license them per Ordinance #7, Dog Control and Licensing.
- B. May not acquire additional dogs beyond the number owned and licensed, except to replace a dog that has been deceased, sold or otherwise disposed. Replacement of a dog must occur within 1 year of the event.
- C. Is limited to one (1) litter of puppies per calendar year. Having more than one (1) litter of puppies requires application for a Kennel Permit.

SECTION VII - ANIMAL CARE AND TREATMENT

Care and treatment requirements include, but are not limited to:

- A. Animals will be properly fed and watered.
- B. The food and water will be of sufficient quantity and nutritional value to maintain good health.
- C. Sanitation for structure(s) and exercise area(s) shall include the timely removal of animal waste and trash to minimize health hazards.
- D. An animal shall be immunized. This procedure will be done and documented by a licensed veterinarian.
- E. An animal will receive medical attention if it becomes ill or injured.
- F. An animal shall be provided with proper shelter. If the animal is to be outside, the shelter will provide protection from direct sunlight and will be appropriate for the local climatic conditions.
- G. An animal shall be provided enough space to move freely and exercise.
- H. No animal will be treated cruelly.

SECTION VIII – SHELTER

Minimum standards for a shelter shall include, but are not limited to the following:

- A. Ambient temperatures shall be compatible with the health of the dog(s).
- B. Structure will always be adequately ventilated by natural or mechanical means to provide for the health of the dog(s).
- C. Structure shall be sound and maintained in good repair to protect the dog(s) from injury.
- D. Structure shall be moisture and wind proof.
- E. Structure shall be constructed and maintained to allow adequate freedom of movements for dog(s)
- F. Dog runs and large exercise areas will have a shelter from direct sunlight.

SECTION IX – INSPECTION

The Town Board, or its designee, may inspect the Owner's property from time to time for compliance with all requirements in this Ordinance. Inspection may be before the issuance of the original permit and before all permit renewals thereafter. Any owner who will be, or has been issued a Dog Kennel permit agrees to and shall allow the Town Board, its agent or designee, upon reasonable advance written notice, including e-mail notice, excluding emergency inspections, entry onto the Owner's property to investigate and/or inspect the premises upon which the kennel is located for compliance with all Town Ordinances applicable to the permit.

SECTION X - COMPLIANCE WITH DOG LICENSING AND CONTROL ORDINANCE, WIS. STAT. CHAPTER 174 AND PERMIT FEE

The provisions of the Town of Emmet Dog Control and Licensing Ordinance #7 and Wis. Stat. Chapter 174 shall apply to dog kennels. The initial permit fee for the dog kennel is \$50. All permit renewal fees are \$50/year. The permit fee is in addition to the yearly dog license fee established in the Dog Control and Licensing Ordinance.

SECTION XI – DURATION AND RENEWAL OF PERMIT

- A. Dog Kennel Permits are to subject to renewal on January 1st each year. Renewal applications must be submitted to the Town Board no later than November 1st.
- B. The Town Board shall review Dog Kennel Permit renewal applications, schedule and complete any required site inspections, and review other information relevant to the renewal request.
- C. The renewal fee shall be \$50.

SECTION XII - FEE FOR ADDITIONAL INSPECTIONS

If additional inspections of the premises are ordered by the Town Board, the permittee shall pay \$50 to the Town Treasurer as a fee for each such inspection deemed necessary by the Town Board. This fee shall be paid regardless of whether the additional inspection occurs during the permit application period or after a permit has been granted.

SECTION XIII - REVOCATION

The Town Board may, in its discretion, initiate revocation proceedings upon the Board's finding that either the permittee is not meeting one or more of the standards of care set forth in this Ordinance; or the kennel is a nuisance or detriment to the health, welfare and quiet enjoyment of Town residents.

If the Town Board makes such a finding, the Town Clerk shall set the matter open for a public revocation hearing before the Town Board. In addition to any notices required by State law, the Town Clerk shall mail notice of the hearing to the permit holder no later than fourteen (14) days prior to the hearing.

SECTION XIV – SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

XV - EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 11th day of May, 2022

Signatures of Town Board

William Nass

Chairman

Richard Walter

Supervisor 1

Brent H

Supervisor 2

Attest: Debra Carlin

Town Clerk