

STATE OF WISCONSIN (Revised 2-5-2018)
Town of Oakland
Douglas County

SECTION I – TITLE AND PURPOSE

The title of this ordinance is the Town of Oakland Dog Control Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the town.

SECTION II – AUTHORITY

The town board has the authority under its village powers under s. 60.23(30), Wis. stats., and the specific authority under s. 60.23 (30), and chapter 174, Wis. stats., to adopt this ordinance.

SECTION III – 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 IV – DEFINITIONS

In this ordinance:

- A. "Legal premise" means the real property owned or occupied by the owner of a dog.
- B. "Owner" means a person who owns, harbors, or keeps a dog.
- C. "Running at large" means off the owner's legal premise and not under the control of the owner or some other person.
- D. "Stray dog" means a dog running at large whose owner is unknown.
- E. "Town" means the Town of Oakland in Douglas County, Wisconsin.
- F. "Town board" means the board of supervisors for the Town of Oakland, Douglas County, Wisconsin, and includes designees of the town board authorized to act for the town board.
- G. "Town clerk" means the clerk of the Town of Oakland, Douglas County, Wisconsin.
- H. "Untagged" means 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.
- I. "Wis. stats" means the Wisconsin Statutes, including successor provisions of cited statutes.

SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a "section," "subsection," "paragraph," or "subdivision" includes all divisions of the referenced section, subsection, paragraph, or subdivision.

SECTION VI – RESTRICTIONS ON DOGS

Except as provided in Section VII, no person may do any of the following:

- A. Allow any dog owned by that person to run at large in the town.
- B. Allow any dog owned by that person to be untagged in the town.
- C. Allow any dog owned by that person to be abandoned in the town.
- D. Allow a dog or dogs on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the town, as determined by the town board, or its designees. Upon receiving a written complaint from an adjacent land owner or occupant, the town board shall send written notice to the owner of the dog or to the owner of the legal premise where the dog is kept that the noise from the dog or dogs must be eliminated.

SECTION VII – EXEMPTIONS FROM SECTION VI COVERAGE

- A. 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 for 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.

- B. A dog that is used by a law enforcement agency as defined in s. 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.
- C. A dog that is untagged and kept in the town for educational or scientific purposes as determined by the town board shall not be considered untagged for purposes of this ordinance.
- D. A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

SECTION VIII – DOG LICENSE TAX

- A. The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:
 - 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
 - 2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the dog license tax.
- B. The town board shall set the amount of the dog licenses tax in the Town of Oakland's Policy Manual in accordance with s. 174.05 (2) of Wisconsin statutes.
- C. The license year commences on January 1 and ends on the following December 31.
- D. A late fee of \$5 shall be collected from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the date the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

SECTION IX – TOWN AUTHORITY

- A. The town board, pursuant to s. 95.21 (1) (b), Wis. stats., has created the position of Animal Control Official within the town. The official shall be appointed by the town board and compensation set in the Town Policy Manual. The official is specifically authorized to take into custody dogs within the Town.
- B. Any person, including town officers and employees, may take into custody any dog running at large in the town but shall timely deliver the dog to the Animal Control Official or the animal shelter designated and appointed by the Douglas County Board of Supervisors to provide care, treatment, or disposal of the dog.
- C. 1. If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined, the town Animal Control official shall provide written notice to the owner that the dog is impounded in the animal shelter designated by the Douglas County Board of Supervisors.
- 2. 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.
- D. Unclaimed stray dogs remaining in the custody of the county for 7 days and abandoned dogs remaining in the custody of the county for 7 days after issuance of the notice to the owner under subsection E may be released to a person other than the owner, in accordance with s. 173.23 (1m) (a), Wis. stats., euthanized under s. 173.23 (1m) (c), Wis. stats., or released for scientific or research purposes under s. 174.13, Wis. stats.
- E. The town and its officers and agents shall comply with chapters 173 and 174, Wis. stats.
- F. 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 X – PENALTY PROVISIONS

If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner shall forfeit \$25 for the first offense and \$50 for subsequent offenses, plus the applicable surcharges, assessments, and costs for each violation, in accordance with s. 174.042(4), Wis. stats. 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 XI – SEVERABILITY CLAUSE

Dog

SECTION X – 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.

SECTION XI – 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 14th day of January, 2014.

Chairman Robert Warner:



Clerk Lauri Dolsen:

