

ORDINANCE #7

DOG CONTROL AND LICENSING

STATE OF WISCONSIN Town of Emmet, Dodge County

SECTION I – TITLE AND PURPOSE

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

The provisions of this ordinance repeal and replace Town of Emmet Ordinance #7 – Dog Ordinance, adopted 4/14/1981 and amended 7/13/1988 and 3/9/2005.

SECTION II – AUTHORITY

The town board has the authority under its village powers under s. 60.22, Wis. stats., and the specific authority under s. 60.23 (30), and chapters 173 and 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. "Abandoned" means that an owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section X, subsection E, within 7 days after receipt by a dog's owner of written notice that the dog is under the possession and care of the town or its designated agents.
- B. "Law enforcement officer" means any person employed by the town for the purpose of 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.
- C. "Legal premise" means the real property owned and occupied by the owner of a dog.
- D. "Owner" means a person who owns, harbors, or keeps a dog.
- E. "Running at large" means off the owner's legal premise and not under the control of the owner or some other person.
- F. "Stray dog" means a dog running at large whose owner is unknown.
- G. "Town" means the Town of Emmet in Dodge County, Wisconsin.
- H. "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.
- I. "Town clerk" means the clerk of the Town of Emmet, Dodge County, Wisconsin.
- J. "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.
- K. "Wis. stats" means the Wisconsin Statutes, including successor provisions of cited statutes.

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

- A. No person shall own, harbor or keep more than three (3) adult dogs over the age of five months on their legal premise without acquiring a Kennel Permit. See Dog Kennel Ordinance Section IV.
 - 1. Harboring or keeping of dogs not directly owned by a person for a temporary period, not to exceed two weeks, is allowed. All restrictions in Section VI apply to dogs temporarily harbored or kept.
 - 2. 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 must contact the Town Zoning Administrator and make application for a Dog Kennel Permit.
- B. A legal premise may house one litter of puppies per year.
 - 1. A litter of puppies may be kept for a period not to exceed eight (8) months.
 - 2. If an owner intends to have two (2) or more litters of puppies per calendar year, a Kennel Permit must be acquired. See Dog Kennel Ordinance Section IV.

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, after receipt of written notice from the town board, or its designees, 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 VII 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 annually by resolution set the amount of the dog license tax in accordance with s. 174.05 (2), Wis. stats.*
- C. The license year commences on January 1 and ends on the following December 31.
- D. A late fee of \$25 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. Any law enforcement officer, humane officer, animal warden, or person authorized by the Town Board may attempt to capture and restrain any animal in the Town, and shall impound or restrain any dog running at large or any untagged dog in the town including dogs under s. 173.13, Wis. stats.
- D. Dogs taken into custody in the town shall be timely delivered to the Dodge County Humane Society to provide care, treatment, or disposal of the dog.
- G. The town and its officers and agents shall comply with chapters 173 and 174, Wis. stats.
- H. 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

- A. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$100, plus the applicable surcharges, assessments, and costs for the first violation and not less than \$50 nor more than \$200, plus the applicable surcharges, assessments and costs for subsequent violations. 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.
- B. Any license fees, late charges, or penalties resulting from a violation of this Ordinance, which remain unpaid for a period of more than six months after the date of assessment may be levied and collected as a special assessment upon real estate property located within the jurisdictional limits of the Town of Emmet, which is owned by any person who is found guilty of a violation.

SECTION XI – 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 XII – 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 10th day of Nov, 2021.

Signatures of Town Board

William Nass

Chairman

Richard Walter

Supervisor 1

Brent H

Supervisor 2

Attest: Debra Carlson

Town Clerk