

**Town of Tainter
Dunn County, Wisconsin**

Dogs Running at Large Ordinance

This ordinance shall take effect after its passage and posting as provided by law.

Adopted November 10, 2005, by the Town Board of the Town of Tainter, Dunn County, Wisconsin.

__signature on file_____
Randy Valaske, Chairman

__signature on file_____
Kathy Schlough, Supervisor

__signature on file_____
Jerry Mrdutt, Supervisor

__signature on file_____
Judy Albricht, Clerk
Witness

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Table of Contents

SECTION 1 - INTRODUCTION.....	1
1.1 TITLE/PURPOSE	1
1.2 AUTHORITY	1
1.3 ADOPTION OF ORDINANCE.....	1
1.4 POLICY	1
1.5 RELATIONSHIP TO OTHER LAWS	1
1.6 INTERPRETATION.....	1
1.7 SEVERABILITY	2
1.8 REPEAL	2
1.9 EFFECTIVE DATE.....	2
SECTION 2 - GENERAL PROVISIONS	3
2.1 APPLICABILITY	3
2.2 EXEMPTIONS	3
2.3 DISCLAIMER	4
2.4 DOG LICENSE TAX	4
2.5 TOWN AUTHORITY	4
2.6 PENALTY PROVISION.....	5
SECTION 3 - DEFINITIONS.....	6
3.1 WORD USAGE.....	6
3.2 DEFINITIONS	6

Section 1 - Introduction

1.1 Title/Purpose

The title of this ordinance is the Town of Tainter Dogs Running at Large Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the Town of Tainter.

1.2 Authority

The town board of the Town of Tainter 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.

1.3 Adoption of Ordinance

The town board of the Town, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate the care, treatment, and control of dogs in the Town of Tainter.

1.4 Policy

The Town of Tainter promotes a safe and enjoyable environment for all Town residents – both pet owners and non-pet owners. When nuisance dogs cause problems, the town of Tainter encourages the parties involved to try and peacefully work out those problems. However, this ordinance provides the means for the Town to resolve nuisance dog problems. To comply with this ordinance, the Town of Tainter will designate, in writing, a Town Humane Officer, a Town law enforcement officer (if one is employed), or a person contracting with the Town under s. 173.135, Wis stats., that will provide care, treatment, or disposal of animals.

1.5 Relationship to Other Laws

The adoption of this ordinance does not preclude the Town Board from adopting any other ordinance, or providing for the enforcement of any other law or ordinance, or providing for the enforcement of any other law or ordinance relating to the same or any other matter. The issuance of a citation under this ordinance does not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter does not preclude the issuance of a citation under this ordinance.

1.6 Interpretation

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the town and shall not be deemed a limitation or repeal of any other power granted by Wisconsin Statutes.

1.7 Severability

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.

1.8 Repeal

All other town ordinances or parts of ordinances in effect when this ordinance is adopted which conflict or are inconsistent with this ordinance, to the extent of the inconsistency only, are hereby repealed.

1.9 Effective Date

This ordinance shall take effect upon passage and adoption by the Town Board and posting as provided by law. The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Section 2 - General Provisions

2.1 Applicability

Except as provided in Section 2.2, 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, of the Town or its designees, after receipt of written notice from the Town Board, of the Town 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.
- E. Allow any dog owned by that person to enter the real property of another person without receiving permission from the owner or occupant. Any dog that enters the real property of another person without permission is considered not under control and therefore is running at large.
- F. Allow the excrement of any dog owned by that person to remain on any property open to public use in the Town of Tainter. The person controlling the dog is responsible for the immediate removal and proper disposal of the excrement.

2.2 Exemptions

- 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 land on 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 where 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 of the Town 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, and mobility impaired as determined by the Town Board of the Town shall not be considered untagged for purposes of this ordinance.

2.3 Disclaimer

- A. **Multiple Jurisdictions.** All persons reviewing the provisions of this ordinance should be aware that the Town of Tainter is only one of a number of governmental bodies that may have jurisdiction in the town. The town cannot make any representations on behalf of any other government body.
- B. **Binding Acts.** No statement or actions by any official, employee, agent or committee of the town should be construed or taken as a binding act of the town except a resolution, motion, or ordinance that has been adopted by the Town Board at a lawfully conducted Town Board meeting, or by the town electorate at a duly constituted Annual or Special Town Meeting. This includes, but is not limited to, interpretation of this ordinance.

2.4 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 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 \$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 dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

2.5 Town Authority

- A. The Town Board, pursuant to s. 173.03, Wis. stats., has created the office of Town Humane Officer who is authorized to exercise all of the powers of a humane officer under Chapter 173, Wis. stats., within the Town. The humane officer is specifically authorized to take into custody animals in the Town, including dogs, under s. 173.13, Wis. stats.
- B. Law enforcement officers employed by the Town Board are authorized to take into custody animals in the Town, including dogs, under s. 173.13, Wis. stats.
- C. 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 Town Humane Officer, a Town law enforcement officer (if one is employed), or a person contracting with the Town under s. 173.135, Wis stats., to provide care, treatment, or disposal of animals.

1. If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined, the Town Humane Officer shall provide written notice to the owner that the dog is in the Town's custody and informing the owner that if the owner fails to claim the dog, have the dog properly tagged, and pay the costs of impoundment and care incurred by the Town within 7 days after receipt by the dog's owner, the dog will be considered abandoned. No dog in custody of the Town shall be returned to the owner, or an agent of the owner, unless the dog is properly tagged and all custody, care, vaccination, and treatment costs incurred by the Town are fully paid by owner or agent of owners. Impoundment fees shall include a \$25.00 pick-up fee plus \$2.50 for every full day a dog spends in the pound.
 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 Town for 7 days and abandoned dogs remaining in the custody of the Town for 7 days after issuance of the notice to the owner under Subsection C. 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), 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 a dog or dogs within the Town. The Town or its officers or agents may request that a person submit a written statement when making a complaint or may ask persons for a written statement as part of an investigation.

2.6 Penalty Provision

The Town of Tainter Citation Ordinance lists violation costs, fees, assessments, and surcharges necessary to enforce this ordinance. Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, forfeit the amount listed in the Town of Tainter Citation Ordinance. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

Citations will be issued for violating this ordinance. The first violation will incur an initial offense charge as set forth in the Town of Tainter Citation Ordinance. Each subsequent offense will incur a violation cost equal to the violation charge of the previous offense plus an additional subsequent offense charge also set forth in the Town of Tainter Citation Ordinance. For example, if the violation charge for the third offense was \$200.00 and the subsequent offense charge is \$50.00, the violation charge for the fourth offense will be \$250.00. An offense that occurs more than one year after a previous offense is not considered a subsequent offense and the violation will be considered an initial offense.

Section 3 - Definitions

3.1 Word Usage

For the purposes of this ordinance, words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and directs actions or provisions that must be followed.

3.2 Definitions

- A. For the purposes of this ordinance, the following definitions revise, supplement, or are in addition to definitions contained in the Wisconsin Statutes.
1. **Abandoned.** Means that an owner has failed to pay the impoundment and care costs incurred by the Town, as specified in Section VIII, subsection E, within 7 days after receipt by a dog's owner of written notice from the town clerk that the dog is under the possession and care of the Town or its designated agents.
 2. **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.
 3. **Legal premise.** Means the real property owned or occupied by the owner of the dog.
 4. **Owner.** Means a person who owns, harbors, or keeps the dog.
 5. **Running at large.** Means off the owner's legal premise and not on a leash that measures 6 feet or less in length that is being held by the owner or some other person, or that is not physically restrained by means of a cage, kennel, leash affixed to some immovable object, etc.
 6. **Stray dog.** Means a dog running at large whose owner is unknown.
 7. **Town.** Means the Town of Tainter in Dunn County, Wisconsin.
 8. **Town board.** Means the board of supervisors for the Town of Tainter, Dunn County, Wisconsin and includes designees of the board authorized to act for the board.
 9. **Town clerk.** Means the clerk of the Town of Tainter, Dunn County, Wisconsin.
 10. **Under the control of the owner or some other person.** Means a leashed dog where the owner or some other person uses a physical restraint to control the dog.
 11. **Untagged.** Means a valid license tag is not attached to a collar that is kept on the 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.
 12. **Wis. Stats.** Means the Wisconsin Statutes, including successor provisions of cited statutes.