

ANIMAL CONTROL ORDINANCE No. 2004-2

The Town Board of the Township of Gilman, Pierce County, Wisconsin, hereby adopts the following Animal Control Ordinance: 2004-2:

SECTION 1 - DEFINITIONS.

The following terms shall mean:

- A. **Animal.** "Animal" includes every living (A) warm-blooded creature except farm livestock (swine, cattle, horses, sheep, goats, llama, peacock, ostrich) and a human being; (B) reptiles; (C) amphibians.
- B. **Owner/Custodian.** The term "owner/custodian" shall mean any person, group of persons or corporation owning, keeping, harboring, having charge or control of, or permitting any animal to habitually be or remain on or be lodged or fed within such persons residence, yard, or premises for a period of five (5) days or longer.
- C. **Own.** The term "own" unless otherwise specified shall be deemed to mean keep, have control, charge or custody of an animal for a period of five (5) days or longer.
- D. **Dog.** The term "dog" shall apply to canine animals, male or female, altered or unaltered.
- E. **Stray.** Any unlicensed animal, the owner or which is unknown, which is at large.
- F. **At Large.** An animal is "at large" when it is off the property of its owners and not under restraint.
- G. **Restraint.** An animal is under "restraint" within the meaning of this Ordinance if it is controlled by a leash or by a competent person and immediately obedient to that person's command or within a vehicle being driven or parked on the streets or roads or within the property lines of its owner.
- H. **Nuisance Animal or Fowl.** Any animal or fowl which by frequent and habitual howling, yelping, barking, or other, shall cause serious annoyance or disturbance to person (s) or to a neighborhood or habitually pursues any bicycle or vehicle up on any public street or highway. The provision of this Ordinance shall not apply to duly authorized hospitals or clinics conducted for the treatment of small animals.
- I. **Dangerous Animal.**
1. Any animal which constitutes a physical threat to human beings or to other domestic animals by virtue of a known history to endanger life by an unprovoked assault or bite so as to cause bodily harm.
 2. An animal trained, owned, or harbored for the purpose, primarily or in part, of fighting.
 3. An animal shall not be deemed dangerous if:
 - (a) It bites, attacks, or menaces anyone assaulting the owner.
 - (b) It bites, attacks, or menaces a trespasser on the property of the owner.
 - (c) It bites, attacks, or menaces any person or other animal who has tormented or abused it.
 - (d) It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person.
 - (e) It is protecting or defending its young or other animal.
- J. **Abused Animal.** Any animal which is:
1. Mistreated, beaten, tormented or teased.
 2. Deprived of sufficient and wholesome water, food, or shelter.
 3. Is kept under unhealthy conditions.
 4. Is trained for fighting other animals.
- K. **Guard Dog.** Any dog which has been trained to attack persons independently or upon command.
- L. **Proper Enclosure.** A fence or structure of suitable height, forming or causing an enclosure suitable to prevent the entry of any young children. Such enclosure shall be locked and shall be designed with secure sides to prevent an animal from escaping from the enclosure.
- M. **Individual Dog Owner.** The term "individual dog owner" means an owner of no more than five (5) dogs over the age of five (5) months which dogs are kept on a premise occupied for residential purposes. To qualify as an individual dog owner there may be no more than five (5) dogs kept.
- N. **Private Dog Kennel.** The term "private dog kennel" means a place where more than five (5) but less than eight (8) dogs over the age of five (5) months are kept and where the keeping of such animals is

incidental to the occupancy of the premises and is not the primary source of income of the occupant or owner of the property. Owner of a private kennel also must be a town resident.

O. **Commercial Dog Kennel.** The term “commercial dog kennel” means a place where eight (8) dogs or more over the age of five (5) months are kept by a corporate or individual owner or lessor.

P. **Wild Animal.** Any animal other than domesticated household pets such as dogs, cats, mice, gerbils, hamsters, turtles, and non-poisonous snakes and lizards, and other farm animals include fur-bearing animals, game, game animals and game birds described in Chapter 29. Wis. Stats.

Q. **Exotic Animal.** Any animal not native to Wisconsin or to the United States. Exotic animals include but are not limited to tigers, lions, pandas.

R. **Town.** The term “town” as used in this Ordinance shall mean the Town of Gilman, Pierce County, Wisconsin.

S. **Animal Shelter.** Any premises designated by the action of the Town Board for the purposes of impounding and caring for all animals found in violation of this Ordinance. The Dunn County Humane Society is the current designated animal shelter for the Town of Gilman.

T. **Animal Warden.** The “Animal Warden” shall be the person appointed by the Town to enforce this Ordinance, and may include the Town Constable, The Town Health Officer, a representative of the Dunn County Humane Society elected Town Officials, and any other agent (including veterinarians) who may be appointed from time to time by the Town to enforce this Ordinance.

SECTION 2 - RESTRAINT

The owner/custodian shall keep his/her dog under restraint at all times. The owner/custodian shall not permit his/her dog to run or be at large.

SECTION 3 - LICENSING OF DOGS

A. Vaccination by a veterinarian against rabies is required of all dogs within thirty days after a dog reaches four (4) months of age. Re-vaccination is required within one year after the initial vaccination. Subsequent vaccination is required within three years of the previous vaccination or when the certificate of vaccination expires, whichever occurs first. A certificate of current vaccination must be presented when obtaining a dog license. An owner who fails to have a dog vaccinated against rabies as required by statute or ordinance may be required to forfeit not less than \$50 nor more than \$100. WI Statutes 95.21

B. No person shall own any dog within the Town limits unless such dog is licensed, except as provided under “Exceptions”. Written application shall be made to such person as designated by the Town and shall include all pertinent documentation as required for such license.

Exceptions;

1. Hospitals, clinics, and other premises operated by licensed veterinarians exclusively for the care and treatment of animals are exempt from provisions of this Ordinance, except where such duties are expressly stated.
2. The licensing requirements of this Ordinance shall not apply to any dog belonging to a non-resident and kept within the Town for less than thirty (30) days, provided that all such dogs shall at all times be kept under restraint.
3. Any dog owned, kept or harbored by an individual or corporation holding either a private or commercial kennel license need not be individually licensed.
4. Every dog specially trained to lead blind or deaf person or to provide support for mobility impaired person is exempt from dog license fee and every person owning such a dog shall receive annually a free dog license.

C. There shall be three (3) types of dog licenses issued:

1. Individual Dog
2. Private Dog Kennel
3. Commercial Dog Kennel

SECTION 4 - TYPES OF LICENSES AND FEES

A. **Individual Dog.** Written application shall be made on a form to be furnished by the Town. As a condition for the issuance of said license, the owner shall submit a current certification of rabies vaccination for a dog. At the time of application a numbered durable tag shall be issued to the owner.

1. **License Fee.**

(a) \$15.00. The individual annual license fee for each dog over the age of five (5) months that is “whole or unspayed or unneutered”.

(b) \$7.00 The individual annual license fee for each dog over the age of five (5) months that is either spayed or neutered. Written documentation proof of spay or neuter must be presented at the time of license issue.

(c) A late fee of \$10.00 shall be charged if the owner fails to obtain a license prior to April 1 of each year, or within thirty (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.

2. **Replacement Fee.** In the event that the durable license tag for a dog shall be lost, the owner may obtain a duplicate tag free of charge upon proof that the original license was issued. For the second and subsequent replacement license tags, the license fee shall be prorated.

3. **Change of Ownership.** If there is a change of ownership of a dog, the new owner must, within thirty (30) days notify the Town Treasurer, have the license transferred to his/her name, and pay the license fee.

4. **Miscellaneous.**

(a) Any person who secures a dog five (5) months of age or older shall be allowed thirty (30) days to obtain a dog license. Any dog owner upon becoming a resident of the Town shall be allowed thirty (30) days to obtain a dog license.

(b) Upon complying with the provisions of this Ordinance, there shall be issued to the owner a durable tag, stamped with a number and year which issued.

(c) Every owner is required to keep a valid tag securely fastened to dog’s collar or harness which must be worn by the dog at all times, except that upon good cause shown to the board, the board may authorize some form of identification other than a dog tag.

B. **Private Dog Kennel License.**

1. Any premises with more than five (5) but less than eight (8) dogs over the age of five (5) months is required to have a private dog kennel license issued by the Town Board. A private dog kennel license shall not be issued unless the application for such license is accompanied by the written approval thereof by the occupants of all privately owned real estate abutting the premises on which such kennel is to be located or unless the applicant’s kennel is 300 feet or more from any adjacent owner’s property line. Approval of abutting property owners is necessary only for the initial licensing.

2. In circumstances requiring a private dog kennel license under this Ordinance, no dogs may be kept on the premises until the private dog kennel license is issued and the fee is paid.

3. The fee for a private dog kennel shall be \$100.00 per year.

4. Where a kennel would otherwise be a private kennel, but the licensee breeds and sells pups, then the kennel must comply with all regulations of a commercial kennel, including licensing fees.

5. Where the licensee is not the owner of the premises, the owner of the premises shall be subject to the rules and regulations of this Ordinance pertaining to permitted number of dogs and all other health, welfare and safety regulations pertaining to dogs or enacted for the general welfare of the public, and no license shall be issued to a non-owner licensee unless the owner of the premises acknowledges in writing he/she is subject to the provisions of this Ordinance.

6. The Town Board of the Town of Gilman may grant a private dog kennel license only upon approval of a Conditional Use Permit as required by Pierce County Zoning, if applicable.

C. **Commercial Dog Kennel License.**

1. Any place with eight (8) or more dogs over the age of five (5) months shall be required to have a Commercial Dog Kennel license.

2. The Town Board of the Town of Gilman may grant a commercial dog kennel license only upon approval of a Conditional Use Permit after a public hearing as required by Pierce County Zoning Ordinance. A commercial dog kennel shall not be located within 1,500 feet of a private residence (other

than the kennel owner's residence) and/or a place of business.

3. In circumstances requiring a Commercial Dog Kennel license no dogs may be kept on the premises until a commercial kennel license is issued by the Town Board and the fee is paid.

4. The fee for a Commercial Dog Kennel license shall be \$250.00 per year, so long as it is found to be in compliance with all provisions of this Ordinance.

5. The annual license fee for commercial kennels in existence as of the date of adoption of this ordinance shall be \$250.00.

6. Where the licensee is not the owner of the premises, the owner of the premises shall be subject to the rules and regulations of this Ordinance pertaining to permitted number of dogs and all other health, welfare and safety regulations pertaining to dogs or enacted for the general welfare of the public, and no license shall be issued to a non-owner licensee unless the owner of the premises acknowledges in writing he/she is subject to the provisions of this Ordinance.

D. Dog Kennel Licenses Issuance and Revocation.

1. All dog kennel licenses shall be issued for one (1) year beginning on January 1. Application for licenses may be made sixty (60) days prior to the start of the licensing year and thereafter during the licensing year.

2. Applications for dog kennel licenses shall be made to the Town Board on a form approved by the Town Clerk.

3. The application must include proof that all dogs kept at the premises have been given all vaccinations required by law.

4. No license shall be issued until there has been an inspection of the premises for which license is sought. The inspection shall be conducted by the Town Board or its agents, or the Animal Warden. From time to time during the term of the license, the Town Board, its agents or the Animal Warden may inspect the premises and animals kept there at. Thereupon the owner shall cooperate in all manners with the said Town Board, its agents or the Animal Warden in allowing an inspection of the premises.

5. All owners of dog kennel license shall maintain complete set of records for all dogs, including but not limited to, date of birth; acquired from, date and price; sale date; sales price and purchaser; pedigree, vaccinations; parasite control; worming records, veterinary records, surgeries. Such records shall be open and available for inspection at all times. Dogs in temporary custody of kennel for two weeks or less may be exempt from this provision.

6. A dog kennel license may be revoked by reason of any violation of this Ordinance or by reason of the violation of any application health or nuisance ordinances, or other applicable order, state law or regulation as may be determined by the Town Board.

7. Before revoking a dog kennel license, the licensee shall be given notice of the meeting at which such a revocation shall be considered and the basis for the proposed revocation. If the licensee is present at such meeting, he/she shall be first given an opportunity to be heard. Notice of such meeting shall be given to the licensee in writing, mailed to the address of the licensee as set forth in the license application for the dog kennel at least ten (10) days prior to the date of the meeting.

SECTION 5 - STANDARDS FOR CARE AND HOUSING OF ANIMALS

A. All dog kennels shall be kept in a clean and healthful condition and at all reasonable times shall be open to inspection by the Town Board, any health officer, animal control officer or other person (s) charged with the enforcement of this Ordinance or any health or sanitary regulation order, rule or statute of the Town of Gilman, Pierce County, or the State of Wisconsin.

B. All commercial dog kennels shall be insulated to serve as noise abatement. All dogs shall be confined to indoors at night from 9:00 p.m. to 6:00 a.m. in individual pens. During daylight hours, dogs may be let out into individual fenced areas known as "runs".

SECTION 6 - IMPOUNDMENT AND REDEMPTION OF ANIMALS.

- A. Any dog found to be unlicensed, running at large, or otherwise in violation of this ordinance or other applicable Ordinance or law may be taken and impounded in the designated animal shelter and there confined in humane manner for a period of not less than seven (7) days. If not claimed prior thereto by its owner, it shall thereafter become the property of the animal shelter and may be disposed of in a humane manner or sold to an individual desiring to purchase the dog as a pet (after signing an agreement to spay or neuter). If a dog is destroyed pursuant to this Ordinance, the license for such dog shall expire.
- B. Immediately upon the impounding of a dog wearing a current license, tattoo, or other identification, the designated animal shelter shall make reasonable efforts to notify the owner of such dog of the impoundment and of the conditions whereby the owner may regain custody of the dog. Any verbal notices shall be confirmed in writing.
- C. Notwithstanding anything contained herein to the contrary, if a critically injured animal is at large pursuant to this Ordinance, it may be destroyed, but only after reasonable efforts have been made to contact its owner.
- D. Any animal impounded hereunder being held for suspected disease (except rabies) may be reclaimed by the owner within seven (7) days upon payment of the owner to the animal shelter any applicable forfeitures in addition to the costs for keeping such an animal during the impoundment, providing that the licensing requirements of this Ordinance are complied with.
- E. Impoundment and Redemption fines and Forfeitures.
 - 1. These fees are subject to the fees set by the town's designated animal shelter, currently the Humane Society of Dunn County.
- F. Quarantine
 - 1. Any animal that has bitten a person shall immediately be impounded for at least ten (10) days and kept apart from other animals, under the supervision of a veterinarian or at the Town designated animal shelter, until it is determined whether such animal had or has a disease which might have been transmitted by such bite.
 - 2. Any animal which has been bitten by a rabid or suspected rabid animal shall be quarantined and kept in the same manner for a period of six (6) months, unless the owner shows proof of current rabies vaccination administered by a licensed veterinarian within the previous year, then the quarantine period shall be sixty (60) days. The owner of an animal which has been bitten by a rabid animal shall notify the Town Board in the event of the animal's illness or death during quarantine.

SECTION 7 - RECORDS

- A. It shall be the duty of the Town Treasurer to keep, or cause to be kept, accurate detailed records of the licensing of dogs in the Town of Gilman.
- B. It shall be the duty of the Town Treasurer to keep, or cause to be kept, accurate and detailed records of all monies belonging to the Town pursuant to this Ordinance. All checks and money orders for the licensing of dogs and late fees shall be made payable to the Town of Gilman.
- C. It shall be the duty of the animal shelter to keep accurate and detailed records of the impoundment and disposition of all animals taken into its custody, including the breed, age, color, date of pick-up, and date, place and manner of disposition.
- D. It shall be the duty of the animal shelter to keep, or cause to be kept, accurate and detailed records of all bite cases reported to them and their investigation of the same. A copy of the report shall be given to the Town Clerk.

SECTION 9 - INTERFERENCE

- A. No person shall interfere with, hinder or molest the Town Board or the Dunn County Humane Society in the performance of the duties of his/her/its office or seek to release any animal in the custody of the Town Board or the Dunn County Humane Society except as herein provided.
- B. Any such action shall constitute a violation of this Ordinance.

SECTION 10 - ORGANIZED ANIMAL FIGHTING PROHIBITED

No dog fighting, cock fighting, bull baiting, bear baiting or other setting of or other fighting of one animal against another shall be permitted in the Town of Gilman.

SECTION 11 - ABANDONMENT OR ABUSE OF ANIMALS

It shall be unlawful for anyone to knowingly abandon or abuse any animal. Each person who does abandon or abuse knowingly or willingly permits this abandonment or cause or aids in the abandonment or abuse of any animal shall be in violation of this Ordinance and shall be subject to the penalties as herein provided.

SECTION 12 - DUTIES OF ALL ANIMAL OWNERS

- A. It shall be the duty of every owner of any animal or anyone having an animal in their possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from their animal's behavior, regardless whether such behavior is motivated by mischievousness, playfulness, or ferocity.
- B. It shall be the duty of every owner of any animal, or anyone having any animal in their possession or custody, to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent limits of its' owner, possessor or custodian.
- C. It shall be the duty of the owner of any animal or anyone having an animal in their possession to keep the animal under restraint and control at all times while the animal is off the real property limits of the owner, possessor, or custodian.
- D. Failure to keep any animal confined or under restraint as provided for in this Section shall be unlawful and shall be punishable as herein provided.
- E. No person shall keep or harbor any nuisance dog, nor shall any person keep or harbor any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall cause serious annoyance or disturbances to person (s) or to a neighborhood.
- F. Disposition of all animal waste, including urine, fecal matter and excreta shall be in a manner that is consistent with the maintenance of human and animal health. Animal waste shall be disposed of in a manner that does not pollute or contaminate ground water or soil. Acceptable methods for disposing of animal waste include flushing down an indoor toilet where the property is connected to a municipal sewer utility, disposing in a holding tank, disposing in the trash to be incinerated, composting with suitable quantities of leaves, grass and other organic debris (fecal matter to be less than twenty (20%) percent of gross weight of composted material or spreading over land after being first treated with lime, provided any crop grown is for non-human use and the spreading is at least one hundred (100) yards from the nearest domicile. Disposition of animal waste in an on site landfill, or burying the animal waste, is not an acceptable disposition unless the incinerator is one approved by the Department of Natural Resources, and all other state and local agencies which monitor and license such facilities. Disposition of animal waste in a private septic system (including drain field systems or mounds systems) is not an acceptable disposition.
- G. No exotic animals may be kept within the Township of Gilman except upon issuance of a permit by the Town Board, provided that wild animals and exotic animals may be kept for exhibition purposes by circuses, zoos, or educational institutions, in accordance with such regulations as shall be established by the Town Board. The Town Board may place conditions on such permit, as it deems necessary or advisable under the circumstances.

SECTION 13 - ADDITONAL REQUIREMENTS FOR PRECAUTIONS TO BE TAKEN BY OWNERS OF DANGEROUS ANIMALS

- A. Whenever outside of its enclosure as provided in Section 2, Item 12 (Proper Enclosure), but it is on the owner's property, a dangerous dog must be attended by its owner and restrained by a secure collar and leash or sufficient strength to prevent escape.
- B. No dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree,

post or building, outside of its own enclosure as provided for in Section 2, Item 12 (Proper Enclosure).

C. In addition to the requirements in Section 2, Item 12 (Proper Enclosure) for owners of dangerous dogs who maintain the dog out-of-doors, a portion of their property shall be fenced with a perimeter or area fence. Within this perimeter fence, the dangerous dog must be humanely confined inside a pen or kennel of accurate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides; a secure top attached to all sides; the sides must either be buried two (2) feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel must be securely locked at all times.

D. Except when being transported in and securely confined within a vehicle, no dangerous dog shall be permitted off the property of its owner except when it is attended by its owner or designated custodian and is restrained by a secure collar and leash (not to exceed six (6) feet in length). Both collar and leash must be of sufficient strength to prevent escape and muzzled by any means sufficient to prevent biting other persons or domestic animals.

SECTION 14 - ENFORCEMENT OF RESTRICTION ON DANGEROUS DOGS

A. In the event the Town Board or Animal Warden has received information that a dangerous dog is being harbored in violation of this ordinance, it may:

1. Notify the owner or keeper of the violation and order the violations immediately corrected.
2. If the violation cannot be immediately corrected and the dog is posing a serious imminent threat to human beings or domestic animals, the dog may be seized and impounded at the owner's expense. At the owner's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing.
3. If the owner or keeper of the dangerous dog fails to either provide proof that the dog will now be kept restrained or confined in compliance with the provisions of this ordinance, or fails to reclaim it from the designated Town shelter after impoundment and if it cannot be adopted by someone providing proof that it will be kept restrained or confined as specified in this ordinance, it will be humanely euthanized.

SECTION 15 - SEVERABILITY AND CONFLICT

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.

SECTION 16 - WARNING SIGNS, GUARD DOGS AND DANGEROUS DOGS

All owners, keepers, or harborers of any guard or officially determined dangerous dog shall display in a prominent place on their premises and at each entrance or exit to the area where such a dog is confined, a sign easily readable by the public using the words: "BEWARE OF DOG".

SECTION 17 - PENALTIES

Any person who violates any provision of this Ordinance may be subject to a forfeiture penalty of not less than \$25.00 nor more than \$500.00 together with the costs of prosecution, including attorneys fees. Each day a violation continues shall constitute a separate violation.

Adopted this 9th day of January, 2019

Attest: _____
Town Clerk

Town Chair

Date Published

Town Supervisor

Town Supervisor

Town of Gilman Animal Control Ordinance adoption, additions, amendments, clarifications and modifications.

Ordinance 2004-2 Animal Control Ordinance Language Clarifications, modifies number of dogs for Section 4 (B) and (C) and fee for Commercial Dog Kennel license Section 4 (C) (4) & (5). Adopted September 22, 2004, published September 29, 2004.

Ordinance 2004-2 Animal Control Ordinance Language Clarifications, modifies the number of dogs for Section 1 (O) and Section 4 (B) & (C) and reflects the contract with Dunn County Humane Society. **Adopted January 9th, 2019.**