

# **REGULATION OF DOGS**

10/06/08

## **LICENSING AND REGULATION OF CANINES**

The Town Board of the Town of Vienna, County of Dane, State of Wisconsin, pursuant to authority vested in it, does hereby ordain as follows:

### **SECTION 1. TITLE.**

This ordinance shall be known as the Ordinance To Regulate and License Dogs in the Town of Vienna, County of Dane, State of Wisconsin.

### **SECTION 2. PURPOSE.**

The purpose of this ordinance is to regulate for the public health, safety, and welfare of the residents of the Town of Vienna.

### **SECTION 3. DEFINITIONS.**

As used in this ordinance:

- a. "Owner" means any person who owns, harbors, keeps, controls, or has custody of a dog as well as the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten (10) days who is presumed to be harboring or keeping a dog within the meaning of this section.
- b. "At large" means the animal which is off the premises of its owner and/or not under the control of some person either by leash or other physical means of restraining a dog.
- c. "Untagged dog" means a dog which does not have a valid license tag attached to a collar being worn by the dog while it is outdoors and/or not securely confined in a fenced area.
- d. "Collection official" means the Town Treasurer or a person appointed to serve as a license collecting official by a Town ordinance or Town Board resolution.
- e. "Officer" means a Public Health Madison and Dane County Animal Services officer or any other person designated by the Town Board at any time to enforce this ordinance or any provision hereof.
- f. "Town Representative" means any person designated by the Town Board at any time to enforce this ordinance or any provision hereof.
- g. "Agricultural Area" means a parcel of land which is zoned A-1EX which is greater than twenty (20) acres in size and is used for productive agricultural purposes or uses.

### **SECTION 4. DOG LICENSE REQUIREMENTS.**

- a. Every owner as required by §§174.05(1) and 174.07(1), Wis. Stats., of a dog more than five (5) months of age on January 1 of any year or five (5) months of age within the license year shall annually, or on or before the date the dog becomes five (5) months of age, pay the license tax and obtain the dog license and tag.
- b. The owner shall securely attach the tag to the collar and a collar with the tag attached shall be kept on the dog for which the license is issued whenever the dog is outdoors unless the dog is securely confined in a fenced area.

- c. A dog license will not be issued to an owner of a dog by the Town's collection official except upon presentation of evidence that the dog is currently immunized against rabies or receiving titer exemption, as required by §174.07(1)(b), Wis. Stats.
- d. Every dog licensed within the Town of Vienna shall be vaccinated against rabies by a veterinarian, or a veterinarian technician if veterinarian is present when vaccine is administered, or be in a titer exemption, as required by §95.21(2)(a), Wis. Stats.
- e. The owner of each dog licensed within the Town of Vienna shall attach the required rabies vaccination tag to the dog in the manner and at the times required by §§95.21(2)(c) and 95.21(2)(f), Wis. Stats.
- f. In addition to the statutory dog license tax required by §174.05(2), Wis. Stats., and any additional tax required by Dane County, the Town Board may by resolution raise the minimum dog license tax on dogs and establish a late payment fee, but in any such case, the tax shall conform with the requirements of §174.05(3), Wis. Stats.
- g. The Town's collection official shall pay these taxes to the Dane County Treasurer at the time of settlement for real estate property taxes and at other such designated times throughout the calendar year.
- h. Every dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons shall receive a dog license and tag and shall be exempt from the dog license tax.

#### **SECTION 5. UNLICENSED DOGS**

Enforcement of this section shall be carried out by the Town Board's designated representative(s) in conjunction with the Dane County Sheriff's Office and/or the Public Health Madison and Dane County Animal Services.

- a. Any complaint or concern regarding untagged dogs or unlicensed dogs shall be forwarded to the Town Treasurer.
- b. Treasurer will verify licensing and shall send a letter to the violator at violator's last known address indicating such person has ten (10) days to license his/her dog(s) or contact the Town representative to appear at a Town Board meeting to appeal the notification.
- c. All ordinance non-compliance violations may be turned over to the Dane County Sheriff's Office and/or the Public Health Madison and Dane County Services for enforcement purposes.

#### **SECTION 6. BARKING DOGS.**

Enforcement of this section shall be carried out by the Town Board's designated representative(s) in conjunction with the Dane County Sheriff's Office and/or the Public Health Madison and Dane County Animal Services.

- a. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls, or yelps to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance. A dog is considered to be in violation of this section when two (2) formal written complaints are filed with the Town within any one (1) month period.

- b. Complaints which arise from Agricultural Areas in the Town of Vienna are exempt from disturbances of the peace.
- c. No person shall be found to be in violation of this section unless first notified in writing at least ten (10) days prior to having the case turned over to the Public Health Madison and Dane County Services for enforcement purposes.

#### **SECTION 7. DOGS AT LARGE**

Enforcement of this section shall be carried out by the Town Board's designated representative(s) in conjunction with the Dane County Sheriff's Office and/or the Public Health Madison and Dane County Animal Services.

- a. Every owner shall use all humane and necessary precautions and measures to assure that the dog does not leave the property of the dog's owner. Every dog shall be leashed or otherwise restrained to prevent the dog from leaving the owner's property.
- b. No dog may be allowed to run free on any public road or highway, on any public land, or on the lands of another person. All dogs shall be leashed when being walked on public land, roads, or highways.
- c. Cases in which a dog is found to be in violation of this section may be turned over to the Dane County Sheriff's Office and/or the Public Health Madison and Dane County Services.

#### **SECTION 8. OWNER RESPONSIBILITIES IN CASE OF DOG BITES.**

The owner of any animal that is suspected of having bitten a person, of being infected with rabies, or of having contact with a rabid animal or any other person having such information shall report such incident as soon as possible to the Public Health Madison and Dane County Services.

#### **SECTION 9. LIMITATION ON NUMBER OF DOGS**

The keeping of a large number of dogs within the Town of Vienna for a considerable period of time detracts from the general public health, safety, and welfare of its residents.

- a. No person or family shall own, harbor, or keep in its possession more than three (3) dogs in any residential unit or property without the prior issuance of a multiple dog license except that a litter of puppies may be kept for not more than ten (10) weeks from birth.
- b. The above requirement may be waived when a multiple dog license has been issued pursuant to §174.053 (1), Wis. Stats.

#### **SECTION 10. NOTIFICATION TO DANE COUNTY DISTRICT ATTORNEY**

Pursuant to §174.12(4), Wis. Stats., the Town of Vienna shall notify the Dane County District Attorney of every refusal or failure of an owner to obtain a license for keeping the owner's dog, and it shall be the duty of the Dane County District Attorney to institute proceedings against such owner and against every owner within the District Attorney's county who has violated any of the provisions of the dog license law.

#### **SECTION 11. APPEALS**

Any notice of violation issued under the provision of this ordinance may be appealed to the

Town Board. The appeal shall be in writing and shall be filed with the Town Clerk. Within ten (10) days of the filing of the appeal, the Town Board shall schedule a hearing and a hearing will be held within thirty (30) days of the appeal, at which time any interested party desiring to be heard shall be heard. A decision on the appeal shall be made within ten (10) days following the date of the hearing. Said determination shall be considered a final determination which may be appealed to the circuit court by certiorari as provided in §68.13, Wis. Stats., within thirty (30) days of receipt of the decision.

#### **SECTION 12. NONEXCLUSIVITY AND WISCONSIN STATUTES INCORPORATED**

The provision for enforcement by issuance of citations under this ordinance shall not preclude the Town Board from proceeding under any other ordinance or law or by any other enforcement method to enforce this ordinance. To the extent not inconsistent with this ordinance, the provisions contained in Chapter 174, Wis. Stats., are hereby incorporated by reference.

#### **SECTION 13. SEVERABILITY**

The terms and provisions of this ordinance shall be deemed severable, and if any one of them is held invalid, the remainder of the ordinance shall not be affected thereby.

#### **SECTION 14. EFFECTIVE DATE.**

This ordinance shall be effective after a public hearing, adoption by the Town Board of the Town of Vienna, and publication.

The foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Vienna on Oct. 6, 2008.

Daniel Muxfeld, Chairperson

Lonnie Breggeman, Supervisor I

Shawn Haney, Supervisor II

I hereby certify that the foregoing Ordinance To Regulate and License Dogs in the Town of Vienna, County of Dane, State of Wisconsin was published as a Class 1 notice under ch. 985, Wis. Stats., on the 6th day of October, 2008.

Dated: Oct. 29, 2008.

Robert Pulvermacher, Clerk