

TOWN OF BROTHERTOWN

ORDINANCE NUMBER 2001-2

CONTROL OF DOGS

The Town Board of the Town of Brothertown, Calumet County, Wisconsin, do ordain as follows:

SECTION 1. DEFINITIONS

1.1 Dog Running At Large. A dog is running at large if it is off the premises of its owner and not under the control of the owner or some other person. (Reference Section 174.042, Wis. Stat.) A dog running at large is considered a stray dog.

1.2 Law Enforcement Officer. Any person employed by the state or any political subdivision of the state, 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.

1.3 Officer. A peace officer, local health officer, humane officer, warden, or other person designated by the Town Board. (Reference Section 174.001(4) and 95.21(1)(b), Wis. Stat.)

1.4 Owner. Any person who owns, harbors, or keeps a dog.

1.5 Town. Town of Brothertown, Calumet County, Wisconsin.

1.6 Untagged Dog. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area.

SECTION 2. AUTHORITY FOR APPOINTMENT OF HUMANE OFFICER

2.1 The Town Board may appoint a humane officer pursuant to Section 173.03(1), Wis. Stat., and report any appointment or termination of appointment to the Wisconsin Department of Agriculture, Trade, and Consumer Protection. The jurisdiction of any humane officer shall be within the boundaries of the Town of Brothertown, Calumet County, Wisconsin. The certification requirements set forth in Section 173.05, Wis. Stat., shall apply to any humane officer of the Town.

2.2 If a humane officer is appointed, the Town Chairperson is designated the officer who may modify or withdraw abatement orders issued under Section 173.11, Wis. Stat., by a humane officer. This section is adopted under Section 173.03(2), Wis. Stat.

SECTION 3. DOGS NOT TO RUN AT LARGE/UNTAGGED DOGS

No owner shall allow any dog to run at large or to be an untagged dog within the corporate limits of the Town. An officer shall attempt to capture and restrain any dog running at large or any untagged dog.

SECTION 4. ENFORCEMENT/IMPOUNDMENT

4.1 A humane officer or a law enforcement officer may take custody of a dog if the humane officer or law enforcement officer has reasonable grounds to believe that the dog is:

- A. An abandoned or stray dog.
- B. A dog not tagged as required by Chapter 174, Wis. Stat.

4.2 The Town shall provide for the care, treatment, or disposal of any dog taken into custody. Those services shall be provided by contract with Calumet County Humane Society or other similar organization deemed appropriate by the Town Board. The fees for the care, custody, and treatment of such dog shall be the actual costs of care, custody, or treatment of the dog.

4.3 A humane officer or law enforcement officer taking custody of a dog shall maintain records for each dog containing the following information: physical description, date custody was taken, date animal delivered into possession of another person and the identify of that person, reason for taking custody of the dog, ultimate disposition of the dog, including name and address of person to whom custody of the dog was ultimately delivered.

4.4 The Town shall return the dog to its owner upon the happening of all of the following:

- A. The owner claims the animal and provides reasonable evidence of ownership.
- B. The animal is licensed or prepayment of the license is provided.
- C. The animal is vaccinated or assurance of vaccination by prepayment is given.
- D. All charges for custody, care, vaccination, and treatment are paid.

4.5 A. Any dog taken into custody under Section 4.1 A or B not claimed by or returned to its owner according to the requirements of Section 173.23(1), Wis. Stat., shall be treated as an unclaimed animal subject to release, sale, or euthanization under Section 173.23(1m), Wis. Stat. The Town may arrange for the following to any unclaimed animal:

- following apply:
1. Release the animal to any person other than the owner if all of the following apply:
 - a. The person provides his or her name and address.
 - b. The animal is licensed or assurance of license is given by evidence of prepayment.
 - c. The animal is vaccinated or assurance of vaccination is given by evidence of prepayment.
 - d. Any charges imposed for custody, care, vaccination, and treatment are paid or waived.
 2. Euthanize the animal.
 3. If the animal is a stray or abandoned dog, release the dog under Section 174.13, Wis. Stat.

B. Notwithstanding the foregoing, any dog taken into custody under Section 4.1 B may not be treated as unclaimed if the owner files a petition under Section 173.22(1), Wis. Stat., within seven (7) days after custody is taken.

4.6 A person claiming that a dog that he or she owns was improperly taken into custody or is wrongfully withheld may seek return of the dog by petitioning the Circuit Court for Calumet County for an order, and the procedure of Section 173.22, Wis. Stat., shall apply.

4.7 A. If a humane officer or law enforcement officer takes custody of a dog with knowledge of the owner, the humane officer or law enforcement officer shall explain the procedure by which the owner can recover the animal, including the review petition procedure described in Section 4.6 of this ordinance and the procedure to be followed if the animal is not returned to the owner.

B. If a humane officer or law enforcement officer takes custody of an animal without the knowledge of the owner, the humane officer or law enforcement officer shall promptly notify the owner in writing if he or she can be identified and located with reasonable effort. In addition to the information to be provided under subsection 4.7 A above, the notice shall also inform the owner that the owner must notify any person with a lien on the animal that the animal has been taken into custody.

SECTION 5. PENALTIES

Any person violating the provisions of this ordinance shall be subject to a forfeiture of not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for subsequent offenses, together with the costs of prosecution.

SECTION 6. SEVERABILITY

The terms of this ordinance are severable. If any portion of this ordinance is found to be unenforceable or void by a court of competent jurisdiction, the remaining portions of this ordinance and the application thereof shall remain in full force and effect.

SECTION 7. REPEAL

To the extent the terms of this ordinance conflict with any existing ordinance or portion thereof of the Town of Brothertown, said existing ordinance or portion thereof is hereby repealed.

SECTION 8. EFFECTIVE DATE

This ordinance shall take effect and be enforced from and after passage and publication according to law.

SECTION 9. CHAPTER 173, WIS. STAT.

This ordinance is adopted pursuant to the terms of Chapter 173, Wis. Stat. It is intended that this ordinance provide the procedure for the Town of Brothertown outlined in Sections 173.13 and following, Wis. Stat., for controlling dogs at large and untagged dogs.

Dated this 4th day of December, 2001.

ATTEST:

TOWN OF BROTHERTOWN

s/ Darlene Steffes
Darlene Steffes, Clerk

s/ Jeanold Puetz
Jeanold Puetz, Chairperson

s/ John Hau
John Hau, Supervisor

s/ Delmar Buechel
Delmar Buechel, Supervisor