

# **Ordinance No. 2008-01**

## **Town of Rush River**

This is an ordinance to establish minimum requirements for animal control excepting farm livestock.

**Whereas**, the Town Board of the Town of Rush River, St. Croix County, Wisconsin has authority to regulate matters affecting the health, safety, and general welfare of its residents and has adopted Village power and is thus empowered to enact this ordinance; and

**Whereas**, the Town deems it expedient and necessary to establish certain requirements with respect to animal control;

**Now Therefore**, the Town Board of the Town of Rush River do ordain as follows:

**REGULATION AND LICENSING OF DOGS: Section 1-15**

(1) **DOG LICENSE REQUIRED.** It shall be unlawful for any person in the Town to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this ordinance and Wisconsin State Statutes 174.05 through 174.10 relating to the listing, licensing and tagging of same.

- (2) **LICENSE FEE.** The license fee for a dog shall be as follows:
- |                          |                   |
|--------------------------|-------------------|
| (a) Unneutered Male Dog. | Per fee schedule. |
| (b) Unspayed Female Dog. | Per fee schedule. |
| (c) Neutered Male Dog.   | Per fee schedule. |
| (d) Spayed Female Dog    | Per fee schedule  |

The Board reserves the option of adjusting fee schedule.

(3) **LATE FEES.** The Town Treasurer shall assess and collect a late fee per fee schedule from every owner of a dog 5 months of age or older if the owner failed 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 failed to obtain a license before the dog reached licensable age.

(4) **CHANGE OF OWNERSHIP.** If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee per fee schedule.

(5) **TRANSFER PROHIBITED.** No person shall use for any animal a license or rabies receipt or license or rabies tag issued for another animal.

(6) **KENNEL LICENSE OPTION.** The owners of kennels may opt to pay a kennel license fee per fee schedule in lieu of the fees provided in sub. (2) above and the Town Treasurer shall issue tags for each dog owned by the kennel owners. Kennel operating permit shall be issued by Town Board.

(7) **RABIES VACCINATION REQUIRED.** It shall be unlawful for any person to keep a dog in the Town which is over 5 months of age and has not received a rabies vaccination as required by §95.21 (2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.

(8) **DEFINITIONS.** In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:

(a) **Owner.** Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 19 days is presumed to be harboring or keeping the dog within the meaning of this section.

(b) **At Large.** A dog which is off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.

(c) **Kennel.** Any establishment wherein dogs are kept for the purpose

of breeding, sale or sporting purposes.

(9) RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the Town to own, harbor or keep any dog which:

(a) Habitually pursues vehicles upon any street, alley or highway.

(b) Molests passersby or assaults or attacks any person without provocation.

(c) Is at large within the limits of the Town.

(d) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals.

(e) Kills, wounds, or harasses any domestic or wild animal.

(10) DOGS RUNNING AT LARGE AND UNTAGGED DOGS. (a) Dogs Running at Large. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in sub. (8) (b) above.

(b) Untagged Dogs. 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.

(c) Dogs Subject to Impoundment. The Town Humane Officer or any peace officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall forfeit \$50 for the first offense and \$1 00 for subsequent offenses.

(11) DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Sheriff.

## LICENSES AND PERMITS

(12) QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES.

(a) Quarantine or Sacrifice of Animal.

The County Health Officer may order a dog or other animal quarantined if there is reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) Quarantine Order. If a quarantine is ordered, the owner of the dog shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.

(13) **SETTING ANIMALS AT LARGE PROHIBITED.** No person shall open any door or gate of any private premises for the purpose of setting any dog or other animal at large, except the owner of such animal.

(14) **IMPOUNDING AND DISPOSITION OF DOGS.** (a) Impounding of Dogs. The Town Humane Officer or any peace officer or other person restraining a dog running at large shall take such animal to the Humane Society or appointed kennel. The police officer shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.

(b) Release of Dog to Owner or Representative. The pound may release the dog to the owner or his representative if the owner or representative:

1. Gives his name and address.
2. Presents evidence that the dog is licensed and vaccinated against rabies.
3. Pays the dog's boarding fee.

(c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the pound may release the dog to a person other than the owner if such person:

1. Gives his name and address.
2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies and spayed or neutered.

(15) **PENALTIES.** In addition to other penalties provided in this section, the following penalties are imposed:

(a) Failure to obtain Rabies Vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(b) Refusal to Comply With Quarantine Order. An owner of a dog or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Town Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.

Approved by:

Town of Rush River Planning Commission Sandi Hayes, Chairman

This 15 Day of January, 2008.

Passed and adopted this 12<sup>th</sup> Day of February, 2008.

**Town of Rush River  
St. Croix County, Wisconsin**

By: Donald E. Schumacher  
Donald E. Schumacher  
Town Chairman

Attest: Delores Vrieze  
Delores Vrieze  
Town Clerk

Approved: Randy Stillings  
Randy Stillings  
Supervisor

William M. Findlay  
William M. Findlay  
Supervisor

I, Delores Vrieze, upon adoption of this Ordinance by the Town Board, did on the 1<sup>st</sup> day of April, 2008, post same in the following three places in the Town of Rush River;

1. Town Hall - (Bulletin Board)
2. Hammond Window
3. Clerk's Office -

Delores Vrieze, Clerk Delores Vrieze, Clerk