**ORDINANCE NO. 2008-01-18**

**TOWN OF RUSH RIVER**

This ordinance is 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 Statues 174.10 relating to the listing, licensing and tagging of same.
2. LICENSE FEE. The license fee for a dog shall be as follows:
3. Unneutered Male Dog Per fee schedule
4. Unspayed Female Dog Per fee schedule
5. Neutered Male Dog Per fee schedule
6. Spayed Female Dog Per fee schedule

The Board reserves the option of adjusting fee schedule.

1. 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.
2. 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.
3. TRANSFER PROHIBITED. No person shall use for any animal a license or rabies receipt or license or rabies tag issued for another animal.
4. 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 the Town Board.
5. 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 State Stat 95.21(2). 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 Wis State Statue 95.21(2)(f).
6. DEFINATIONS. In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:
7. OWNER-Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or which it customarily returns daily for a period of 19 days is resumed to be harboring or keeping the dog within the meaning of this section
8. AT LARGE-A dog which is off the premise 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.
9. KENNEL- Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.
10. RESTRICTIONS ON KEEPING OF DOGS. It shall be unlawful for any person within the Town to own, harbor or keep any dog which:
    1. Habitually pursues vehicles upon any street, alley or highway.
    2. Molests passerby or assaults or attacks any person without provocation
    3. Is at large within the limits of the Town
    4. 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.
    5. Kills, wounds, or harasses any domestic or wild animal
11. DOGS RUNNING AT LARGE AND UNTAGGED DOGS.
    1. 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.
    2. 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.
    3. DOGS SUBJECT TO IMPOUNDMENT. The appointed Town Humane Officer or any peace officer shall attempt to capture and restrain any dog running at large.
    4. 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 $100 for subsequent offenses. Additionally, the owner will be charged any charges imposed by the Humane Officer.
12. 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 St Croix County Sheriff.
13. QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES.
    1. 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.
    2. 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) of the Wisconsin State Statues.
14. 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.
15. IMPOUNDING AND DISPOSITION OF DOGS.
    1. 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.
    2. RELEASE OF DOG TO OWNER OR REPRESENTIVE. The pound may release the dog to the owner or his representative if the owner or representative:
       * 1. Gives his name and address and copy of Driver’s License
         2. Presents evidence that the dog is licensed and vaccinated against rabies
         3. Pays the dog’s boarding fee
    3. 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, address and copy of Driver’s License
         2. Signs a statement agreeing to license the dog and have the dog vaccinated against rabies and spayed or neutered
16. PENALTIES. In addition to other penalties provided in this section, the following penalties are imposed:
    1. 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
    2. 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.
    3. COSTS ASSOCIATED WITH CAPTURING EITHER A LICENSED OR UNLICENSED DOG WHO IS RUNNING AT LARGE OR HAS BECOME LOST. The owner of any dog who is running at large or lost that the Humane Officer must find and retrieve shall be responsible for any costs incurred by the Town for the retrieval.

Passed and adopted this 8th day of August, 2018.

By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Donald E. Schumacher, Chairman

Attest: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Sandi Hazer, Clerk

Approved: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Randy Stillings, Supervisor

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Tim Halvorson, Supervisor

I, Sandi Hazer attest upon adoption this Ordinance was posted at the Town Hall, Town Chairman’s Office and Clerk’s Office. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, Sandi Hazer, Clerk