

STATE OF WISCONSIN
TOWN OF WASHINGTON, VILAS COUNTY

CODE OF ORDINANCES

CHAPTER 6: ANIMAL CONTROL ORDINANCE AS AMENDED MARCH 6, 2023

6.01 Title and Purpose

The title of this chapter is the Town of Washington Licensing and Control of Dogs. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the town.

6.02 Definitions

Abandoned means that an owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section 6.10, subsection E, within 4 days after receipt by a dog's owner of written notice from the town clerk that the dog is under the possession and care of the town or its designated agents.

Animal means every living: (a) warm-blooded creature, except a human being; (b) reptile or (c) amphibian.

Animal Control Officer means any person, persons or business designated by the town to enforce Chapter 6, Licensing & Control of Dogs, Town of Washington Code of Ordinances, except authority restricted to the Vilas County Humane Officer and the Vilas County Sheriff's Department.

Dog means domesticated dogs of the subspecies *Canis lupus familiaris*.

Law enforcement officer means any person employed by the town or the county 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.

Leashed means restrained from running at will by some physical device attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner's legal premise.

Legal premise means the real property owned or occupied by the owner of a dog.

Owner means a person who owns, harbors or keeps a dog.

Running at large means off the owner's legal premise and not under the control of the owner or some other person.

Stray dog means a dog running at large whose owner is unknown.

Town means the Town of Washington in Vilas County, Wisconsin.

Town board means the board of supervisors for the Town of Washington, Vilas County, Wisconsin, and includes designees of the town board authorized to act for the town board.

Town Clerk means the clerk of the Town of Washington, Vilas County, Wisconsin.

Untagged means a valid license tag is not attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner's legal premise.

Vicious dog means:

- A. Any dog with a propensity, tendency or disposition to attack, assault, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping or barking and/or snarling in a threatening manner.
- B. Any dog which attacks a human being or other domestic animal without provocation.
- C. Any dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.

Wis. Stats means the Wisconsin Statutes, including successor provisions of cited statutes.

6.03 Dog License

- A. The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license fee and obtain a license, except as follows:
 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons are exempt from the dog license fee and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
 2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the license fee.
- B. The town board shall annually assess the amount of the dog license fee in accordance with fees established by Vilas County Government or as authorized in §174.0(3) Wis. Stats.
- C. The license year commences on January 1 and ends on the following December 31.
- D. A late fee shall be collected from the owner of every dog 5 months of age

or over if the owner fails to obtain a license prior to April 1 of the current year, or within 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license on or before the date the dog reaches licensable age. The late fee is determined and set by the town board and placed in the fee schedule which may be revised from time to time by the town board. All late fees received or collected shall be paid into the town treasury as revenue of the town.

6.04 Restrictions on Dogs

Except as provided in §6.05 of this chapter, no person may do any of the following:

- A. Allow any dog or dogs owned by that person to run at large in the town.
- B. Allow any dog or dogs owned by that person to be untagged in the town.
- C. Allow any dog or dogs owned by that person to be abandoned in the town.
- D. Allow any dog or dogs on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the town, as determined by the town board, or its designees. After receipt of written notice from the town board, or its designees, to the owner of the dog or to the owner of the legal premise where the dog is kept, the noise from the dog or dogs must be eliminated.
- E. Allow any dog or dogs owned by that person to go upon any private lands premises without the permission of the owner of such lands or premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub tree or garden in any manner whatsoever, or to defecate thereon.
- F. Allow any dog or dogs owned by that person to be on property, private or public, not owned or possessed by such person until such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.

6.05 Exemptions from Section 6.04

- A. A dog that is actively engaged in the town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land in the town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the town board, or its designees.
- B. A dog that is used by a law enforcement agency as defined in §165.83(1)(b) Wis stats., in the town to perform law enforcement functions is not considered to running at large or untagged for purposes of this ordinance.
- C. A dog that is untagged and kept in the town for educational or scientific purposes as determined by the town board shall not be considered untagged for- purposes of this ordinance.

- D. A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

6.06 Dogs on Town Property

- A. Dogs are not allowed in town buildings with the exception of events conducted for the purpose of demonstration, education or instruction and the event coordinator assumes full responsibility for proper control of the dog(s).
- B. Dogs are allowed out of doors on Town Property with the following restrictions:
 - 1. Dogs may be prohibited from entrance onto Town Property during the course of an event when the event sponsor deems it unsafe, unwise or unhealthy to humans to allow dogs on site during the event. In such case the premises must be clearly posted as prohibiting dogs during the event.
 - 2. Dogs must be leashed at all times and under control of their owners in accordance with §6.02 of this chapter.

6.07 Cruelty to dogs prohibited

Any incidences of cruelty to a dog, in any form, brought to the attention of the town board or the Town Animal Control Officer shall be referred to the Vilas County Sheriff's Department for consideration of criminal investigation.

6.08 Vicious dogs

Except as provided in this section, no person shall harbor or keep a vicious dog within the Town. Any vicious dog which is found on or off the premises of its owner may be seized by the Animal Control Officer upon establishment of the vicious character of the dog and delivered to the Humane Society of Vilas County where it will be held until such time as a determination can be made that the dog is vicious and what course of action should be pursued by the Town Board. Any expense related to seizure of the dog and the dog being held at the Humane Society of Vilas County shall be the responsibility of the dog owner.

In addition to any provisions of this Ordinance, by adoption of this Ordinance, the Town Board also adopts Chapter 174 of the Wisconsin Statutes and makes it a part of this Ordinance.

6.09 Owner's liability for injury caused by dogs

Wisconsin dog bites and dog bite injuries are primarily governed by Chapter 174, Wisconsin Statutes and specifically §174.02, which states:

- A. Liability for injury:
 - 1. Without notice: Subject to §895.045 and except as provided in §895.57(4), the owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property.
 - 2. After notice: Subject to §895.045 and except as provided in §895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused by the

dog biting a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement if the owner was notified or knew that the dog had previously, without provocation, bitten a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement.

- B. Penalties imposed on owner of dog causing damage:
 - 1. Without notice: The owner of a dog shall forfeit not less than \$50 or more than \$2,500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.
 - 2. After notice: The owner of a dog shall forfeit not less than \$200 or more than \$5,000 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, and if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.
- C. Penalties in addition to liability for damages:

The penalties in this subsection are in addition to any other liability imposed on the owner of a dog.

 - 1. Court order to euthanize a dog:

The State, any municipality, or a person who is injured by the dog, whose minor child was injured by the dog, or whose domestic animal is injured by the dog may commence a civil action to obtain a judgment from a court ordering an officer to euthanize a dog. The court may grant the judgment if the court finds both of the following:

 - a. The dog caused serious injury to a person or domestic animal on two separate occasions off the owner's property, without reasonable cause.
 - b. The owner of the dog was notified or knew prior to the 2nd injury, that the dog caused the first injury.
 - 2. Any officer enforcing a judgement under this subsection shall euthanize a dog in proper and humane manner.

6.10 Town authority

- A. The town board has the authority under its village powers under §60.22, Wis. Stats, and the specific authority under §60.23(30), and §169.43, and chapters 173 and 174, Wis. Stats., to adopt this ordinance.
- B. The town board, pursuant to §173.03, Wis. Stats., and Chapter 10, Animal Control and Welfare, Vilas County Code of ordinances, has created the office of Town Animal Control Officer who is authorized to enforce this chapter within the town, except authority restricted to the Vilas County Humane Officer and The Vilas County Sheriff's Department.
- C. Any person, including town officers and employees, may take into custody any dog running at large in the town but shall timely deliver the dog to the Town Animal Control Officer to provide care, treatment, or disposal of the dog.
- D. If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined, the town clerk or animal control officer shall provide written notice to the owner that the dog is in the town's custody and shall inform the owner that if the owner fails to claim the dog, have the dog properly tagged, and pay the costs of impoundment and care incurred by the town, including a \$45 Animal

Control Officer service fee, within 4 days after receipt by the dog's owner, the dog will be considered abandoned. No dog in the custody of the town shall be returned to the owner, or agent of the owner, unless the dog is properly tagged, and all custody, care, vaccination, and treatment costs incurred by the town are fully paid by the owner or agent for the owner.

- E. If the identity of the owner of a dog taken into custody under this chapter is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.
- F. Unclaimed stray dogs remaining in the custody of the town for four days and abandoned dogs remaining in the custody of the town for four days after issuance of the notice to the owner under subsection 6.10 (D) above, may be released to a person other than the owner, in accordance with §173.23(1m)(a), Wis. stats., euthanized under §173.23(1m)(c), Wis. stats., or released for scientific or research purposes under §174.13, Wis. stats.
- G. The town and its officers and agents shall comply with chapters 173 and 174, Wis. Stats. and Chapter 10, Vilas County Code of Ordinances.
- H. The town board or its designee shall have the authority to issue warnings and citation for any violations of this chapter.

6.11 Forfeitures

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of \$20 for the first offense, \$60 for the second offence, and \$100 for all subsequent offences, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this chapter. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

6.12 Severability clause

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

6.13 Adoption

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the care, treatment, and control of dogs in the town.

This ordinance rescinds and replaces all dog licensing and control ordinances previously adopted by the Town of Washington.

6.14 Effective Date

This ordinance is effective upon passage and publication.

The town clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats., and mail a copy to the State of Wisconsin Department of Natural Resources and to the Vilas County Sheriff's Department, as required under s. 350.047, Wis. Stats.

Adopted this 6th day of March 2023.



Jim Egan, Town Chairman

Attest:



Nancy Sobraliski, Clerk

Effective Date: March 7, 2023

Publication Date: