

# **Town of Osceola, Fond du Lac County, Wisconsin**

## **ANIMAL CONTROL ORDINANCE 25-1-A22**

The Town Board of Osceola, in the interest of the health and safety of town residents and pursuant to its police powers, does hereby ordain and establish an Animal Control Ordinance. This ordinance shall supersede all other animal ordinances previously established.

### **I. DEFINITIONS**

- A. **ANIMAL/PET**: Every creature except a human being.
- B. **ANIMAL SHELTER**: Any facility operated by a humane society or a municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this or any other ordinance applicable in the town or under state law.
- C. **FARM ANIMAL**: Any warm blooded animal normally raised on farms in Wisconsin and used or intended for use as food or fiber or for the provision thereof.
- D. **IMPOUNDMENT**: The taking up of an animal by a law enforcement officer, humane or animal shelter or official, or other person in accordance with authorization under this ordinance, and the sheltering, boarding, and confinement and care of such animals may be impounded as a result of violations.
- E. **PERSONAL KENNELS**: Any establishment where animals are kept that contain more than 4 (four) animals for private enjoyment and do not board, train or breed for profit.
- F. **COMMERCIAL KENNEL**: Any establishment where animals are kept for the purposes of boarding, training, or sporting purposes, all or in part as a service for hire to persons other than or in addition to the kennel owner or, any establishment where animals are kept for the purposes of breeding or sale purposes, having 25 or more animals, or three litters per year, are subject to inspection and the regulations of USDA, under DATCP.

### **II. LICENSING**

- A. Every owner of a dog five (5) months of age or older must obtain a license, therefore, as provided in sec. 175.05, Wis. Stats. The Town Board in its discretion as authorized by sec 174.05, Wis. Stats., may increase the license fee to an amount not to exceed the total cost to the town of all licensing, regulating, and impounding activities for the previous year. Those fees established by the Town Board are \$5.00 for each neutered or spayed dog and \$10.00 for each dog not neutered or spayed. In addition to the license fee established herein, a late fee of \$5.00 shall be assessed and collected from every owner of a dog over the age of five (5) months who fails 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 fails to obtain a license on or before the dog reaches licensable age. All late fees shall be paid to the Town Treasurer.

- B. Application for licenses shall be made to the Town Treasurer and shall include the name and address of the applicant, description of the animal, the appropriate fee, certification by a licensed veterinarian that the animal was neutered or spayed (if applicable), and certification by a licensed veterinarian that the animal has received current immunization for rabies.
- C. Licenses shall be provided for specifically trained service, support and therapy dogs at no charge or fee, provided the owner includes a copy of the Training Completion Certificate from the State.
- D. Upon acceptance of the application and payment of the required fee, the Town Treasurer shall issue a license tag to every dog in accordance with the provision of sec. 174.0, Wis. Stats. The owner shall securely attach the tag to the dog's collar in accordance with the requirements of said section.

E. PERSONAL KENNELS:

- i. In addition to the licensing option provided under sec. 174.053, Wis. Stats., every person who owns or operates a personal kennel shall apply for a kennel license.
- ii. The Town Board hereby imposes an annual **personal** kennel license fee as follows for pet owners:
  - 1. **\$50.00** for a kennel of **5-8** dogs with application to receive one tag per dog;
  - 2. **\$75 for a kennel of more than 8 dogs.**

F. COMMERCIAL KENNELS:

- i. Every person who owns or operates a commercial kennel shall apply for a commercial kennel license and comply with the minimum standards of this section. The receipt of the commercial kennel license will be determined on a one-on-one basis request.
- ii. The Town Board hereby imposes an annual commercial kennel license of \$100 which runs from April 1 of said year to March 31 of the following year. The Town Board also may increase/decrease fees or revoke a permit at their discretion upon inspection of facility.
- iii. Minimum kennel standards are established as follows:
  - 1. Enclosures shall be provided for sufficient shelter, food, water, lighting, and temperature controls to protect against weather extremes.
  - 2. Floors, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.

3. Adequate ventilation shall be provided to promote animal health and to ensure the removal of the foul and obnoxious odors.
4. Each animal's enclosure must meet USDA size requirements: "(length of the dog in inches + 6) x (length of the dog in inches + 6)." The interior height must be at least the height of the tallest dog in the enclosure in inches + 6. Concrete floor, unless radiantly heated, shall have bedding or resting board that allows the animal a resting place off the concrete floor. All enclosures must be free of excrement build-up. Each enclosure must have clean drinking water available 24 hours per day and necessary food for animals kept overnight.
5. Runs shall provide an adequate exercise area and protection from the weather.
6. Every dog that is five (5) months or older that is kept shall be vaccinated against rabies in accordance with Wisconsin Statutes.
7. Every animal must have access to medical attention whenever necessary.

### **III. CONTROL OF ANIMALS**

- A. Every animal owner and every person charged with the care of or custody of an animal, shall exercise proper care and control of such animals to prevent them from becoming a public nuisance. Molesting a passerby; chasing vehicles; attacking other animals without provocation; trespassing upon public or private property in such a manner to cause damage; and excessive or continuous barking, whining, or howling shall be deemed a nuisance. NOTE: Should an animal cause injury to the rescuer, the owner of the dog is responsible for all costs that may ensue.
- B. No animal shall be allowed to run at large within the Town. For purposes of this section, "running at large" shall embrace all places within the town other than the premises of the animal's owner or the other person charged with the care and custody of the animal if known, or premises rented or otherwise under the direct control and possession of the owner or custodian of the animal. Any animal found running at large, regardless of known ownership, or lack thereof, may be subject to impoundment. The animal shall be held up to seven days, announced on social media and town website to locate owner. After such time, the animal will be found a new home. This section shall apply to animals with known owners or custodians and to stray animals.
- C. If the owner of a dog negligently or otherwise permits the animal to run at large or be untagged (unlicensed), the owner shall forfeit \$20.00 for the first offense, \$30.00 for the second, \$40 for the third and so on, with a cap at \$200.00.

#### **IV. VICIOUS ANIMALS**

- A. No person shall own or keep any vicious animal in the Town.
- B. For the purpose of this section, "vicious" shall mean any animal which constitutes a physical threat to human beings or other animals. Any animal which, unprovoked, causes injury to a person shall be presumed to be vicious. "Vicious" also includes an animal which, while off its owners' or keepers' premises, attacks and injures a domestic animal.

#### **V. GENERAL DUTY**

Nothing in this Ordinance is intended to create a cause of action or claim against the Town or its officials or employees. Any duty created herein is intended to be a general duty running in favor of the public citizenry.

#### **VI. SEVERABILITY**

If any part of this Ordinance shall be held invalid, any such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Ammended this 12<sup>th</sup> day of August, 2025, by the Town Board of the Town of Osceola.

Terry Leininger

Town Chairman, Terry Leininger

Attest:

Kay Wege

Town Clerk, Kay Wege

Published this 17<sup>th</sup> day of February, 2022

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