

Town Dog Ordinance #96-1

The Town Board of the Town of Cold Spring, Jefferson County Wisconsin, does ordain a follows:

SECTION 1. TITLE

This ordinance shall be known as the Town of Cold Spring Dog Ordinance.

SECTION 2. PURPOSE

It is the purpose of this ordinance to enforce dog licensing requirements and to curtail dogs from roaming individually or as dog packs in a manner to expose persons and property in the Town of Cold Spring, to bodily injury or damage. It is also the purpose of this ordinance to compliment application of Chapter 174 of the Wis. Statutes, in the Town.

SECTION 3. DEFINITIONS

In this dog ordinance, the following words and phrases have the following designated meanings:

- a. **HUMANE SOCIETY** means Humane Society of Jefferson County.
- b. **LICENSE YEAR** means from January 1, through December 31.
- c. **OWNING** means having actual ownership, harboring, keeping, or having temporary custody of a dog.
- d. **OWNER** means every person who owns, harbors, keeps or has temporary custody of a dog.
- e. **RUNNING AT LARGE** means off the premises of the owner, or not in near enough proximity to the owner, so that the owner can in fact control his or her dog.
- f. **TOWN** means the Town of Cold Spring Jefferson County Wisconsin
- g. **TOWN LAW ENFORCEMENT OFFICER** means Town Constable, Policeman, Jefferson County Sheriff Dept. Deputy, or any other person designated by the Town Board to enforce Town Ordinances.
- h. **TOWN TREASURER** means Treasurer of Town of Cold Spring.

SECTION 4. LICENSING

1. Every owner of a dog in the Town of more than five months of age on January 1 of that year, or five months of age within the license year, shall annually, or within 30 days from the date such dog becomes five months of age, pay a dog license tax to the Town Treasurer and obtain a license for such dog as follows:
 - a. A neutered male or spayed female dog \$3.00
 - b. An unneutered male dog or unspayed female dog \$8.00

2. Presentation of an unexpired Certificate of Rabies Vaccination is required before a license will be issued.
3. Persons purchasing dog licenses after April 1, shall pay an additional fee of \$5.00 per dog license.
4. The Town Treasurer shall issue a dog license tag for each licensed dog in accordance with Section 174.07, Wis. Stats.
5. The owner of any dog required to be licensed shall notify in writing the Town Treasurer within 30 days of such owner no longer owning a dog which previously was required to be licensed.
6. Every dog specially trained to lead blind persons shall be exempt from dog license tax and every tax payer owning such dog shall annually receive a free dog license from the Town Treasurer upon application.
7. Names of individuals with unlicensed dogs will be submitted to the County District Attorney's office for prosecution.

SECTION 5. RUNNING AT LARGE PROHIBITED

It shall be unlawful for any dog owner to fail to take such action or use such means as is reasonably necessary to prevent such dog from running at large.

SECTION 6. DISORDERLY DOG

1. It shall be unlawful for any dog owner to fail to prevent such dog from being repeatedly disorderly.
2. **DISORDERLY** in this section means conduct by a dog which is unreasonably loud, violent or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.
3. **REPEATEDLY** in this section means on more than two occasions when a dog owner has received complaints from Town citizens or Town Law Enforcement Officers that such owner's dog is, or was recently disorderly.

SECTION 7. ABANDONMENT

It shall be unlawful for any person owning a dog to abandon it in the Town.

SECTION 8. IMPOUNDMENT.

1. Any dog in the Town which does not bear a required dog license tag, or any dog running at large in the Town, shall be caught and impounded by a Town Law Enforcement Officer, or by any member of the Town Board, and may be caught by any employee of the Humane Society of Jefferson County.
2. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed.

3. Any dog caught and impounded in accordance with the provisions of this ordinance may be delivered to the animal shelter operated by the Humane Society of Jefferson County.

SECTION 9. RECLAMATION OF IMPOUNDED DOGS.

1. Immediately after any is impounded in accordance with the provisions of this ordinance, an employee of the Humane Society of Jefferson County may notify by U.S. Mail, the owner of such dog, if such owner is known or can be ascertained with reasonable effort, that the dog has been impounded and that it may be reclaimed within seven days or be destroyed.
2. If the owner of an impounded dog is unknown or cannot be ascertained with reasonable effort, the Humane Society, or whoever else has a dog impounded in accordance with this ordinance may publicize a description of such impounded dog stating where the dog is impounded and if the owner of such impounded dog does not reclaim it within seven days, the dog shall be disposed of in a proper and humane manner.
3. If the owner's dog is unlicensed, the person or Humane Society holding the impounded dog may, before reclamation of such dog, require proof from the Town Treasurer that a license has been purchased for the dog.
4. The dog license tax and a \$25 recovery fee shall be paid to the Town Treasurer before an impounded dog is released.
5. Reclamation of an impounded dog shall not be a defense to prosecution for violation of this ordinance.

SECTION 10. PAYMENT FOR DOG SEIZURE, IMPOUNDMENT AND DESTRUCTION.

1. The Humane Society or person holding a dog impounded in accordance with this ordinance, may request payment from dog owners for the ordinary and necessary costs actually incurred of seizure, impoundment, and destruction of an owner's dog.
2. The Town Board may recover as costs from a dog owner found guilty of violating this ordinance, any and all expenditures made to seize, impound or destruct a dog of such a dog owner.

SECTION 11 PENALTIES.

1. Any owner of a dog who violates the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$10.00 nor more than \$100.00, together with the costs of prosecution.
2. If an owner who is convicted of a violation of this ordinance, was also convicted of a violation of this ordinance within three years preceeding the violation for which he or she is about to be penalized, such owner shall pay a forfeiture of not less than \$25.00 nor more than \$100.00, together with the costs of prosecution.
3. Any dog owner who violates this ordinance and thereby whose dog substantially causes personal injury to a person, which injury requires medical care, shall, upon conviction, pay a

forfeiture of not less than \$25.00 nor more than \$100.00, together with the costs of prosecution.

4. In default of the payment of any of the penalties in this section by any person who has the ability to pay such forfeiture and costs, such person shall be confined in the common jail of Jefferson County until such forfeiture and costs are paid, but in no event shall such confinement exceed 30 days.

SECTION 12. ENFORCEMENT.

Any Town Law Enforcement Officer and any member of the Town Board is authorized and directed to make investigations and to sign complaints concerning alleged violation of this ordinance for and in behalf of the Town. The Town is authorized to retain legal counsel to assist in the prosecution of violations of this ordinance and in accordance with Section 66.119 State Stats., to prepare for Tom adoption a citation form for use in enforcing this ordinance.

SECTION 13. SPECIAL INSPECTION WARRANT.

1. Any Town Law Enforcement Officer and any member of the Town Board engaged in enforcing the provisions of this ordinance may question persons and inspect property in the Town.
2. In the event any person having possession of property which is the subject of investigation refuses to consent to entry for the purpose of inspection, a Town Law Enforcement Officer or any member of the Town Board may apply for a special inspection warrant in accordance with the provisions of S.S. 122 and S.S. 123 of the Wisconsin Statue.

SECTION 14. SEVERABILITY.

The provisions of this ordinance are servable and the invalidity of any section or part thereof shall not render the entire ordinance invalid.

SECTION 15. EFFECTIVE DATE.

This ordinance shall be effective upon adoption and publication.

Adopted this 7th day of March, 1996.

Lisle Piper, Jr (signed)
Town Board Chairman

Wesley G. Freeman (signed)
Town Board Supervisor

Lyle J. Pester (signed)
Town Board Supervisor

Dated March 7, 1996

Published March 14, 1996

Mary Ellen Findlay (signed)

Attest – Town Clerk