

# TOWN OF LAC DU FLAMBEAU

## ORDINANCE 95-01b

### ANIMAL CONTROL ORDINANCE

WHEREAS, the Town Board of the Town of Lac du Flambeau has determined that it is necessary to regulate and control the keeping of dogs, for the health, safety and welfare of its' citizens,

NOW, THEREFORE THE TOWN BOARD ORDAINS AS FOLLOWS:

#### Section 1. Applicability

This Ordinance applies to all dogs, and the owners of said dogs, within the boundaries of the Town of Lac du Flambeau, Vilas County, Wisconsin, over which the Town has statutory jurisdiction.

#### Section 2. Definitions

For purposes of this Ordinance:

- (a) "Animal" means dog
- (b) "Animal Control Committee" means the those persons representing the Town and/or the Tribe who meet occasionally in a working group to deal with common or joint animal control issues
- (c) "Animal Control Officer" means Lac du Flambeau Conservation Wardens or any other appointed individual, or any Vilas County Sheriff Deputy.
- (d) "At large" means any animal that
  - (1) Is not physically restrained, on private property (including motorized vehicles) with the permission of the property owner, in a manner that physically prevents that animal from leaving that property or reaching any public areas, or,
  - (2) When not in compliance with subsection 1, is not restrained by a leash, tether or other physical control device not to exceed six (6) feet in length and under physical control of a person.
- (e) "Collar" means a band, strip or chain placed around the neck of an animal.
- (f) "Designated Impoundment Facility" means the contracted facility, or the Vilas County Animal Shelter, used for impoundment of dogs in violation of this ordinance.
- (g) "Owner" includes any person, firm, association or corporation owning, keeping, harboring or controlling a dog.

#### Section 3. Animal Control Officer

- (a) The Lac du Flambeau Tribal Conservation Wardens or any appointed individual shall be the Animal Control Officer(s) approved by the Town Board
- (b) The primary responsibility for enforcing the provisions of this Ordinance shall rest with the Animal Control Officer. The Animal Control Officer shall perform the following duties
  - (1) Seize and transport for impoundment dogs found in violation of this ordinance
  - (2) Inform the public of the importance of animal control and of getting their pets tagged and vaccinated.

- (3) Release the dogs to owners only if the owner presents evidence that the animal is licensed with the Town and that the animal is vaccinated against rabies.
  - (4) Report activities of the Animal Control Program to the Animal Control Committee or Animal Control Working Group.
  - (5) Perform any other duties necessary or incidental to the implementation of this Ordinance
- (c) Enforcement by other officers  
Any law enforcement officer empowered to enforce the laws of the State of Wisconsin is hereby empowered to enforce all provisions of this Ordinance, and to seize animals for impoundment.

#### **Section 4. Control of Animals**

It shall be unlawful for any owner to permit or allow an animal to run at large in the Township.

#### **Section 5. License and Tag Required**

It shall be unlawful for any owner to own, keep, harbor or maintain a dog in the Township without a license issued by the Town and without having a valid license tag affixed to a collar which is kept on the animal whenever it is outdoors unless the animal is securely confined in a fenced area.

#### **Section 6. Rabies Vaccination and Tag Required**

- (a) The owner of a dog shall have the animal vaccinated against rabies by a veterinarian or at a rabies clinic within 30 days after the animal reaches four (4) months of age and revaccinated within one year after the initial vaccination. The owner of an animal shall keep the rabies vaccination current at all times and not allow the vaccination to expire.
- (b) Any person vaccinating an animal subject to this Ordinance shall comply with the provisions of Wis. Stat. Section 95.21 regarding certificates of rabies vaccination and shall deliver to the owner a rabies vaccination tag in conformity herewith. The owner shall attach the rabies vaccination tag to the collar of the animal.

#### **Section 7. Quarantine of Animal**

- (a) The Animal Control Officer or a Law Enforcement Officer shall order an animal quarantined if the officer has 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 is a wild animal, or though domesticated, cannot be captured, the officer may kill the animal. The officer may kill a domesticated animal only as a last resort, or with the consent of the owner.
- (b) An officer who orders an animal to be quarantined shall deliver the animal or shall order the animal delivered for isolation and quarantine to the Designated Impoundment Facility or Animal Shelter. This shall be done as soon as possible, but no later than 24 hours after the original order is issued. The officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies.
- (c) An animal which has been quarantined shall be held, observed, and released or destroyed in accordance with the provisions of Section 95.21(5), Wis. Stat.

- (d) An officer may order killed or may kill an animal if the owner violates the provisions of this section.

#### **Section 8. Killing of Animals**

Except as otherwise provided in this Ordinance, a person may intentionally kill an animal of another only if the person is threatened with serious bodily harm by the animal, and other restraining actions were tried and failed; or

- (a) Immediate action is necessary
- (1) Except as otherwise provided in this Ordinance, a person may intentionally kill an animal of another if a domestic animal that is owned or in the custody of the person is threatened with serious bodily harm by the animal and the animal is on the property owner or controlled by the person, and
  - (a) Other restraining actions were tried and failed, or
  - (b) Immediate action is necessary
- (2) The Town may commence a civil action to obtain a judgment from the County Court ordering an officer to kill an animal. The court may grant the judgment if the Court finds both of the following:
  - (a) The animal caused serious injury to a person or livestock on two separate occasions off the owner's property, without reasonable cause, and
  - (b) The owner of the animal was notified or knew, prior to the second injury, that the animal caused the first injury.
- (3) Any officer enforcing a judgment under this subsection shall kill an animal in a proper and humane manner.

#### **Section 9. Owner's Liability for Damages**

- (1) The owner of an animal may be liable for the full amount of damages caused by the animal injuring or causing injury to a person, livestock or property.
- (2) The owner of an animal may be liable for two times the full amount of damages caused by the animal injuring or causing injury to a person, livestock or property, if the owner was notified or knew that the animal previously injured or caused injury to a person, livestock or property.

#### **Section 10. Liability for Animal Care**

- (1) No person shall permit any animal to cause a disturbance at any time of the day or night, by repeated barking, whining, screeching, howling, braying or other like sounds which may be heard beyond the boundaries of the owner's property.
- (2) No person shall seize, molest or tease any animal while on the property of its owner or while held or led on a leash by its owner, or to decoy or entice any animal out of an enclosure or off the property of its owner. However, an Animal Control Officer or other Law Enforcement Officer may seize, decoy or entice an animal out of an enclosure or off the property of its owner who is in violation of this Ordinance.

### **Section 11. Impoundment Authorized**

Any animal found running at large and any untagged animal found in violation of this Ordinance may be captured and impounded by the Animal Control Officer or any other officer in accordance with this Ordinance.

### **Section 12. Pound Designation**

The Animal Control Officer can impound an animal in the Designated Impoundment Facility or the Animal Shelter.

### **Section 13. Notification of Owner**

The Animal Control Officer of the Designated Impoundment Facility shall attempt to notify the owner of an impounded animal personally or by mail as soon as possible following impoundment if the owner is known or can be ascertained with reasonable effort.

### **Section 14. Records**

The Animal Control Officer or the Designated Impoundment Facility shall keep a record of each animal impounded, giving a description of the animal, the dated of its impoundment, and the disposition of the animal. If the animal is released to a person, the record shall include the name, address, and the date of release of the animal. This record shall be public record.

### **Section 15. Release to Owner**

The Designated Impoundment Facility may release an impounded animal to its owner or a representative of the owner only if

- (a) The owner or representative gives his or her name and address, and
- (b) The owner or representative presents evidence that the impoundment fee of \$5.00/day has been paid to the Town of Lac du Flambeau, and that the animal is licensed by the Town, and
- (c) The owner or representative pays the necessary fees accumulated from impoundment at the Designated Impoundment Facility (i.e. vaccination fees and boarding fees)

### **Section 16. Release to Non-Owner**

The Designated Impoundment Facility may release an impounded animal to a person other than the animal's owner only if

- (a) The animal is not claimed by its owner within seven days after the animal is impounded; and
- (b) The person to whom the animal is released gives his or her name and address; and
- (c) The person to whom the animal is released pays the required adoption fees as determined by the Designated Impoundment Facility.

### **Section 17. Sacrifice of Animal**

Any animal which is not released to its owner or to a non-owner within seven days of its impoundment is deemed an unclaimed animal. The Designated Impoundment Facility may extend the impoundment period at their own expense if release of the animal to a person other than the owner appears likely. Upon determining that the animal will not be either claimed or adopted, the Designated Impoundment Facility shall dispose of an unclaimed animal in a proper and humane manner.

### **Section 18. Animal Care**

- (1) No owner shall fail to provide their animal(s) with sufficient good and wholesome food and potable water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (2) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or cause, instigate or permit any dogfight, or other combat between animals and humans.
- (3) No owner shall abandon any animal in or upon any sidewalks, street, alley, road, public right-of-way, park or other public property, or in or upon the property of another person.
- (4) No owner shall permit a dog in heat (estrus) to be accessible to a male dog not in the person's ownership except for intentional breeding purposes.
- (5) Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall attempt to report such injury or death, to the animal's owner.
- (6) No person shall knowingly place food of any description containing poisonous or other injurious ingredients in any area reasonably likely to be accessible to any animals except rodents.

### **Section 19. Enforcement and Penalties**

- (1) Any person who violates, and any owner of an animal found in violation of Sections 4, 5 or 17 hereof, shall be liable for penalty as follows:
  - (a) For the first offense, a civil remedial money penalty of not less than \$25.00 nor more than \$100.00
  - (b) For subsequent offenses, a civil remedial money penalty of not less than \$50.00 nor more than \$200.00
- (2) The owner of an animal who violates Section 6 by failure to have a dog vaccinated against rabies as required under 95.21(2)(a), Wis. Stats., shall be liable for a civil remedial money penalty of not less than \$50.00 nor more than \$100.00.
- (3) The owner of an animal which has caused injury or damage in violation of Section 9 shall be liable for a civil remedial money penalty of not less than \$50.00 nor more than \$100.00
- (4) Any person who violates, and the owner of any animal found in violation of, any other provision of this Ordinance shall be liable for a civil remedial money penalty of not less than \$20.00 nor more than \$500.00

**Section 20. Jurisdiction**

Jurisdiction is hereby conferred upon the Vilas County Circuit Court, Eagle River, Wisconsin, over matters related to violations of this Ordinance.

**Section 21. Statutory Authority**

This Ordinance is adopted as authorized under Section 174, Wis. Stats.

**Section 22. Abrogation and Greater Restrictions**

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this Ordinance imposes greater restrictions, the provisions of this Ordinance shall apply.

**Section 23. Severability**

Should any portion of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected.

Adopted this \_\_\_\_ day of \_\_\_\_\_, 2011

\_\_\_\_\_  
Francis P. Chartier, Chairman

\_\_\_\_\_  
Michael Christensen, Supervisor

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Matthew E. Gaulke, Supervisor

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

Nancy Edwards, Town Clerk