

TOWN OF OSCEOLA

ORDINANCE #12-15-08

CHAPTER 9 - ANIMALS

Adopted 2/12/07, Amended 12/4/12

In the interest of the public health, safety, and welfare, the Town Board of the Town of Osceola hereby ordains that Sections 12.04 and 10.05(10) of the Town of Osceola Code of Ordinances, regarding Control of Dogs, shall be repealed and Chapter 9, regarding Animals, shall be adopted as follows:

The Town Board of Supervisors of the Town of Osceola do ordain as follows:

9.01 Purpose and Intent.

A. The purpose of this chapter is to regulate and control the keeping of animals in the Town of Osceola, Polk County, Wisconsin, in order to promote the public health, safety, prosperity, aesthetics, quality of life and general welfare in the Town.

B. The specific intentions of this chapter are to:

1. Protect residents, their animals and property;
2. Prevent the harboring or keeping of wild animals in the Town; and
3. Provide for the licensing of dogs in the Town.

9.02 Adoption of Statutory Provisions. The provisions of Chapters 95, 174, and 951 of the Wisconsin Statutes are adopted and made a part hereof by reference, except as otherwise provided herein.

9.03 Definitions. As used in this chapter, the following terms shall have the meanings indicated:

A. ANIMAL. A nonhuman, living being, domestic or wild.

B. ANIMAL WARDEN. The Town Board shall be empowered to appoint an Animal Warden or humane organization(s) whose duties shall include enforcement of this chapter and who or which shall have authorization to issue citations for violations thereof. The Town Constable shall be considered an Animal Warden with all the rights and duties appurtenant thereto.

C. ANIMAL SHELTER. Any premises designated by the Town Board for the purpose of impounding and caring for animals held under the authority of this chapter.

D. AT LARGE. An animal is “at large” when it is off the property of its owners or custodians and is not under restraint.

E. DOG KENNEL. Any premises in the Town that keeps more than five (5) dogs.

F. EXOTIC ANIMALS. Any animal not native to Wisconsin or any animal that is generally recognized as a non-domesticated animal.

G. HUMANE OFFICER. The Town shall be empowered to appoint a Humane Officer certified by the State of Wisconsin in compliance with Ch. 173, Wis. Stats., and Ch. ATCP 15. (Added 12/4/12)

H. LICENSE. A numbered metallic tag to be issued to the owner after payment of the fee and exhibition of proof of rabies vaccination.

I. OFFICER. Any law enforcement officer of the town, county or state or person designated by the Town Chairperson or members of the Town Board to assist in the enforcement of this chapter.

J. OWNER. Any person, partnership or corporation owning, possessing, harboring or keeping an animal or animals.

K. RESTRAINT. An animal is under restraint within the meaning of this chapter if it is controlled by a leash, at heel beside a competent person and obedient to that person’s commands, on or within a vehicle being driven or parked on the streets or roads or within the property limits of its owner or keeper.

L. WILD ANIMAL OR REPTILE. An animal which, in its uncaptured wild state, has the physical capacity to be dangerous to the safety and welfare of any person or property. Examples of such wild animals and reptiles include, but are not limited to, bears, wolves, coyotes, cougars, tigers, monkeys, apes, poisonous snakes, large reptiles over 18 inches in length and raptors, excluding dogs, cats, birds and other traditional house pets. Reducing the size of such animals, whether trained, raised or bred in captivity or otherwise considered domesticated in any manner, shall not remove such wild animals and reptiles from these requirements and regulations.

M. WOLF-DOG HYBRID. Any offspring resulting from the breeding of a wolf and a dog or from the breeding of a wolf and a wolf-dog hybrid or from the breeding of a wolf-dog hybrid and a wolf-dog hybrid.

9.04 Licenses and permits.

A. Kennels.

1. A license shall be required for any kennel. This license shall cover all animals kept during the year and shall be issued by the Town Clerk/Treasurer upon proof of rabies vaccination for all dogs on the premises and payment of the license fee. The kennel fee at the time of adopting this ordinance is \$40.00 for kennels with twelve (12) or fewer dogs and \$4.00 for each dog thereafter. The Town Board shall annually review the fee and may modify the fee by resolution of the Town Board.

2. Proof of rabies shots for each dog over five (5) months of age in the kennel shall be provided to the Town and shall be posted at the kennel. Kennel operators are not required to separately license individual animals.

B. Dogs. It shall be unlawful for any person in the Town of Osceola to own, harbor or keep any dog more than five months of age without complying with the provisions of Chapter 174 of the Wisconsin Statutes relating to the listing, licensing and tagging of the same.

1. No person shall own, keep or harbor any dog within the town limits unless such dog is licensed as herein provided. A valid license tag must be attached to the collar which is kept on the dog whenever it is outdoors unless the dog is securely confined in a fenced area.

2. Licenses are available from the Town Clerk/Treasurer. Written application for such license shall be made to the Town Clerk/Treasurer and shall state the name and address of the owner and the name, breed, color and sex of the dog and proof of rabies vaccination. The license fee shall be paid at the time of making application. A numbered metallic tag shall be issued to the owner for each dog licensed.

3. The yearly license fee at the time of adopting this ordinance is \$5.00 for a neutered male dog or a spayed female dog. The yearly dog license fee at the time of adopting this ordinance for an un-neutered male dog or un-spayed female dog is \$10.00. The Town Board shall review the license fees annually and may modify them by resolution of the Town Board.

4. All dog licenses shall be issued for one calendar year beginning with the first day of January. There shall be no prorating of the license fees for less than one year.

5. In the event that the metallic license tag issued for a dog shall be lost, the owner may obtain a new tag. The fee for such new tag shall be set by the Town Board resolution.

6. If there is a change in the ownership of a dog during the license year, the owner shall notify the Town Clerk/Treasurer to have the license transferred to the new owner's name.
7. No person shall use, for any dog, the receipted license tag issued for another dog.
8. No license shall be issued for any dog without proof of current rabies vaccination having been made to the Town Clerk/Treasurer.
9. In accordance with W.S.A. §174.055, dogs used by blind, deaf and/or mobility impaired persons or dogs used for educational/scientific purposes are exempt from the dog license, tax, and such persons shall receive annually a free dog license.
 - a. The owner must still apply using normal procedures.
 - b. The owner must still provide proof of rabies vaccination.

9.05 Nuisances; impoundment.

A. It shall be the obligation and responsibility of the owner or custodian of any animal in the Town, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance.

1. It shall be considered a nuisance for any animal to:
 - a. Unreasonably annoy or disturb a person(s) or neighborhood by frequently and habitually howling, yelping, barking or making other such noises;
 - b. Emit objectionable odors;
 - c. Frequent school grounds, parks or public beaches;
 - d. Chase vehicles;
 - e. Molest or annoy any person if such person is not on the property of the owner or custodian of such animal;
 - f. Molest, defile or destroy any property, excepting that of the owner or custodian, and whether such property is public or private; or
 - g. Kill, wound or worry domestic animals, livestock deer or game birds for the nests or eggs of game birds.
2. Notwithstanding Subsection A(1)(g) above, normal hunting during hunting season is not precluded.

3. Failure on the part of the owner or custodian to prevent his animal or animals from committing an act of nuisance shall be subject to the penalty hereinafter provided.

B. Dogs may not run at large. Dogs must be under restraint. Unrestrained animals may be taken by any officer, impounded in an animal shelter and there confined in a humane manner. Impounded animals shall be kept for not less than seven days unless reclaimed by their owners. If an animal is found at large and its owner can be readily ascertained and located, such animal need not be impounded but may instead, be taken to the owner. In such cases, however, proceedings shall be taken against the owner for violation of this chapter. If the animal is impounded and the owner can be readily ascertained, reasonable efforts shall be made to notify the owner in person or by mail that such dog is impounded. If the person who owns or harbors the offending dog cannot be ascertained, the Animal Warden shall post within 24 hours after seizure a notice on the bulletin board at the Town Hall. Such notices shall be dated and if the owner does not reclaim the dog within seven (7) days the dog shall be disposed of in the proper manner. Animals not claimed by their owners within seven days may be humanely destroyed or given for adoption by any person or agency delegated by the Town Board to exercise such authority. 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 that 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. A dog that is used by a law enforcement agency as defined in §165.83(1)(b), Wis. Stats., in the Town to perform enforcement functions is not considered to running at large for the purpose of the ordinance.

C. An owner reclaiming an impounded animal shall first pay to the impound facility, the impounding fees, which fees are set by the impound facility. In addition, the owner shall be subject to all the penalties for violation of this chapter.

9.06 Exotic or wild animals prohibited.

A. No exotic or wild animals or wolf-dog hybrids may be kept within Town limits except that wild or exotic animals may be kept for exhibition purposes by circuses, zoos or educational institutions, in accordance with such regulations as shall be established by town, county or state law.

9.07 Animal Warden

A. The Town Board may from time to time appoint an Animal Warden, to enforce this ordinance. The Animal Warden must comply with all state or federal licensing or permit requirements. Such person or entity shall have police powers, and no person shall interfere with or hinder the Animal Warden in the enforcement of this ordinance.

B. Records. The Animal Warden and Clerk/Treasurer shall keep complete and accurate records of all dogs licensed. They shall also keep records of all dogs picked up together with monies received through payment of forfeitures and fees. An annual report shall be provided to the Town Board at the end of each calendar year.

9.08 Humane Officer. (Added 12/4/12)

A. Appointment. The Town Board may appoint a Humane Officer under §173, Wis. Stats.

B. Jurisdiction. The Humane Officer's jurisdiction is limited to the Town of Osceola.

C. Certification. Any person appointed as the Town's Humane Officer under §173, Wis. Stats., must comply with the provisions of §173.05, Wis. Stats., and Ch. ATCP 15.

D. Powers and Duties. As in §173, Wis. Stats., including, but not limited to the following:

1. Any power and/or duty authorized to the Animal Warden.
2. Enforce §95.21, §173, §174, §951, Wis. Stats., and this Ordinance relating to animals.
3. Investigate alleged violations of statutes and ordinances relating to animals and, in course of investigations, execute inspection warrants under §66.0119, Wis. Stats.
4. Seek subpoenas from the county district attorney to compel testimony and obtain documents in aid of investigations.
5. Issue citations under §66.0113, Wis. Stats., for violations of state and town ordinances relating to animals.
6. Request law enforcement officers and district attorneys to enforce and prosecute violations of state law and may cooperate in those prosecutions.

E. Prohibited Actions. Unless also a law enforcement officer, a humane officer may not in the course of his/her duties do the following:

1. Execute a search warrant.
2. Carry firearms.
3. Stop or arrest persons.
4. Stop, search, or detain vehicles, except under an inspection warrant under §66.0119, Wis. Stats.

5. Enter any place or vehicle by force without consent of the owner, except in an emergency occasioned by fire or other circumstance in which that entry is reasonable and is necessary to save an animal from imminent death or person from imminent death or injury.
6. Remove any animal from the custody of another person by force.
7. Dispose of any animal that comes into the officer's custody in the course of his/her duties.

9.09 Fees; violations and penalties.

A. Unless otherwise provided in this chapter, any person violating any of the provisions of this chapter or knowingly aiding or abetting another in the violation thereof, in addition to the penalties hereinbefore prescribed, shall, upon conviction, pay a penalty as provided in Chapter 25.04 of the Town of Osceola Code of Ordinances, plus costs and attorney fees in the Town incurs in prosecution. If any violation is continuing, each day's violation shall be deemed a separate violation.

B. Penalties for dogs running at large shall be not less than \$25.00 nor more than \$100.00 for the first offense, and not less than \$50.00 nor more than \$200 for subsequent offenses.

C. The Town is authorized to enforce this ordinance by issuance of citations, impoundment and by any other method authorized by law. The amount of deposit, forfeiture and costs shall be as set forth in Osceola Town Code Chapter 25 and shall be subject to periodic review and possible amendment by the Town Board.

D. Fees. All license fees for this chapter may be periodically reviewed by the Town Board and amended by Town Board resolution.

9.10. 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 provisions or application, and to this end, the provisions of this Ordinance are severable.

9.11 Effective Date.

This Ordinance shall be effective upon adoption and publication as provided by law.

Passed this 4th Day of December, 2012

By the Town Board of the Town of Osceola

Doug Schmidt, Chairman

Mike Wallis, Supervisor

Dan Burch, Supervisor

ATTEST:

Lorraine Rugroden, Clerk-Treasurer

___Voice Vote

___Roll Call Vote

___Yeas;___Nays;___Absent/Abstain

_____Posted

_____Published