

Ordinance #2 Village of Big Falls

AN ORDINANCE FOR LICENSING AND OTHER REGULATION OF DOGS

Section 1. Ordinance No. 6 of the Village of Big Falls is repealed and recreated as Ordinance #2 to read as follows:

DOG LICENSING AND REGULATION.

(1) LICENSE REQUIRED

(a) No person residing in the Village, shall own, keep, harbor, or have custody or possession of any dog which is more than 5 months of age, unless a license has been obtained for the dog in accordance with this section. A license shall be obtained for each dog prior to the date on which it is obtained. The license shall be renewed on an annual basis thereafter, prior to January 1 of each succeeding calendar year. Applications for licenses to be effective during a calendar year may be made not more than 30 days prior to the beginning of the year. As used in this section, the terms "license" and "license tag" are equivalent, and are used interchangeably.

(b) A person seeking a license in conformity with this section shall submit a written application for the license to the Office of the Village Clerk, which shall include the name and address of the applicant and a description of the animal. A certificate, issued by a licensed veterinarian, indicating that the animal has been currently inoculated for Rabies shall be attached to the application and the appropriate fee shall be paid to the Village Clerk upon submission.

(c) A Village resident who first obtains a dog, which is then over 4 months of age shall apply for a license for the animal within 30 days of obtaining the same. A license will not be required for a dog owned by a nonresident, which is kept temporarily within the Village for a period of not longer than 30 consecutive days.

(d) This section shall apply to dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired person, provided that no fee shall be charged for license for such a dog.

(e) Every person, residing in the Village who owns, keeps, harbors or has custody or possession of any dog required to be licensed in accordance with this section shall insure that the dog, when away from the person's premises is wearing a collar to which a current license tag and a current Rabies vaccination tag are attached. The collar and tags may be removed from dog during competition.

(2) FEES.

(a) License fees for dogs shall be as follows:

1. Neutered male or spayed female - \$3.00
2. Unneutered male or unspayed female - \$8.00

One half of the amount of the applicable fee, described above, shall be charged for any dog which become 5 months of age on or after July 1 of the year in which the license is first obtained or for any dog first acquired or brought into the Village on or after July 1 of the first license year. Any applicant for a license asserting that a dog has been neutered or spayed must present evidence of the same deemed satisfactory by the Village Clerk.

(b) A duplicate or replacement license tag may be obtained upon payment of a \$2.00 replacement fee.

(c) The Village Clerk shall assess and collect a late fee of \$5.00 from any person who applies for a license later than the time an application for the license is due as required by this section.

(3) ISSUANCE OF LICENSE. Upon receipt of an application in proper form, together with the required fee and certificate of inoculation, the clerk shall issue to the applicant a license to keep such dog during the current license year or portion of the license year, as may apply.

(4) STATE REGULATIONS ADOPTED. The provisions of Ch. 174 Wis. Stats. and all subsequent amendments and modifications thereof, are incorporated herein by reference.

(5) DOGS NOT PERMITTED TO BE AT LARGE

(a) Dogs are not permitted to be at large within the Village at any time. A dog is considered to be “at large” if it is off the premises of the owner and not under the owner’s or keeper’s control by means of a leash, animal transport cage or other similar device, or confined within a vehicle owned or controlled by the owner or keeper.

(b) The owner or keeper of any dog, tied outdoors by means of a leash, chain, invisible fencing or similar device, shall prevent the animal from being present on public property or the private property of other persons.

(6) HARBORING CERTAIN ANIMALS PROHIBITED. No person shall own, keep, have in their possession, or harbor any animal which.

(a) Habitually pursues any vehicle upon any public street, alley or highway, or

(b) Has attacked or bitten any person, or

(c) is vicious. A showing that an animal has bitten, attached or injured any person shall constitute a prima facie showing that such animal is vicious, or

(d) Habitually or frequently, barks, yelps, howls or makes any other noise which would unreasonably disturb or annoy a person of ordinary sensibilities, or

(e) Has not been licensed as required by this section, or

(f) Which, while away from the owner or keeper’s premises, causes property damage or injure to any licensed dog, domestic animal, or other desirable wildlife.

(7) CONFINEMENT AND DISPOSITION.

(a) Any person appointed by the Village Board may apprehend any dog, which is at large within the Village.

(b) The Animal Control and Humane Officer shall confine all dogs apprehended for 7 days (unless sooner claimed by the owner or keeper) and shall make a reasonable effort to notify the owner of the apprehension of the animal if the identity of the owner can be readily determined from the information shown on the animal’s license tag. If any dog is not reclaimed by the rightful owner within such time, the dog may be destroyed in a proper and humane manner, and the Village Clerk shall collect the amount incurred in apprehending, keeping and caring for the animal if the owner can be ascertained and located. The Clerk shall be authorized to commence a civil action in order to collect such amount.

(c) The owner or keeper of any dog so confined may reclaim the animal at any time before it is disposed of upon payment of all costs and charges incurred in apprehending, keeping and caring for the animal and the cost of a license if no license exists. Such costs and charges may include expenses for inoculations or other medical treatment of the animal. The owner or keeper’s payment of costs and charges incurred in apprehending, keeping, caring for and licensing the animal shall be made directly to the Animal Control and Humane Officer.

(8) REMOVAL OF ANIMAL DEFECACTION FROM PUBLIC AND PRIVATE PROPERTIES.

(a) An owner or keeper of any animal shall not allow the animal to defecate on any public or private property, within the Village, other than the premises of he owner or keeper of the animal unless such defecation is immediately removed. The forgoing provisions of this paragraph (a) shall not apply to any person being assisted by a seeing-eye dog.

(b) All pens, yards, structures or areas where animals are kept shall be maintained in a reasonably safe and sanitary condition, which maintenance shall include the regular removal and disposal of defecation, so as not to attract insects or

rodents, or to become unsightly or cause objectionable odors, or to result in any other condition recognized as a nuisance by this municipal code or by any other common or statutory law.

(9) MAXIMUM NUMBER OF DOGS.

(a) Single Family Residential Areas. No person shall, either individually, or in combination with one or more other persons, keep, possess, harbor or routinely allow the presence of more than 3 dogs, over 5 months of age, within the residential unit in which the person resides or upon the lot or portion of a lot upon which such residential unit is located, within a zoning district classified as either RR-1 Rural Residential Single Family District or RR-2 Rural Residential Two Family Residence District.

(b) Multi-Family Residential Areas. No person shall, either individually, or in combination with one or more other persons, keep, possess, harbor or routinely allow the presence of more than 2 dogs, over 5 months of age, within the residential unit in which the person resides or upon the lot or portion of a lot upon which such residential unit is located, within a zoning district classified as RR-3 Rural Residential Multiple Family Residence District.

(c) Any portion of this subsection (9) to the contrary notwithstanding, in determining the limitations on the numbers of dogs provided for in paragraphs (a) and (b), above all dogs, which were owned and licensed on or before October 1, 2009, shall not be counted. All unlicensed dogs over 5 months of age shall be counted.

(10) PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS. No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and potable water. In order to be sufficient, the supply of food must be adequate to maintain the animal in good health. In order to be sufficient, a supply of potable water shall be provided daily to the animal, fresh and in sufficient quantities for the health of the animal to be maintained.

(11) PROVIDING PROPER SHELTER TO CONFINED ANIMALS. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter from sunlight and inclement weather. Proper shelter from sunlight shall require that when sunlight is likely to cause heat stress or exhaustion of an animal tied or caged outdoors, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. Sufficient ventilation shall be provided to prevent any animal confined within a vehicle from suffering heat stress or exhaustion. If a dog is tied or confined unattended outdoors under weather conditions which are likely to adversely affect the health of the animal, a shelter of suitable size to accommodate the animal shall be provided which is sufficient to protect the animal from such weather conditions.

(12) KENNELS. The provisions of this section requiring animals to be licensed shall not apply to any animal owned by a non-Village resident which is temporarily kept within the Village at a bona-fide kennel; is confined at all times to the premises of the kennel; and for which a fee is paid by the owner to the kennel based upon the amount of time the animal is kept upon those premises.

(13) PENALTIES. Owners of stray or running at large animals will be billed according to the fees charged to the Village of Big Falls by the Animal Control and Humane Officer contracted by the Village of Big Falls.

Section II. This Ordinance shall take effect and be in full force from and after its passage and publication as provided by law, except for the provisions of subsection 9, pertaining to the maximum number of dogs permitted, which shall take effect and be in full force from and after October 1, 2009.

Adoped this 11th day of February, 2010.

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