

DOMESTIC ANIMALS ORDINANCE 3 – 2007

STATE OF WISCONSIN

Town of Sampson

County of Chippewa

ORDINANCE # 3-2007.

ORDINANCE RELATING TO DOMESTIC ANIMALS RUNNING AT LARGE.

Section 1. Title & Purpose

The title of this ordinance is the Town of Sampson Animals Running at Large Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of domestic animals in the Town of Sampson.

Section 2. Authority.

The town board of the Town of Sampson has the authority under its village powers under sec. 60.22, Wis. Stats., and the specific authority under sec. 60.23 (30), and Chapters 173 and 174, Wis. Stats., to adopt this ordinance.

Section 3. Adoption.

The town board of the Town of Sampson, by this ordinance, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate the care, treatment, and control of domestic animals in the Town of Sampson.

Section 4. Definitions.

In this Ordinance:

1. "Abandoned" means that an owner has failed to pay the impoundment and care costs incurred by the Town, within 7 days after receipt by a dog's owner of written notice from the town clerk that the dog is under the possession and care of the Town or its designated agents.
2. "Legal premise" means the real property owned or occupied by the owner of the dog.
3. "Domestic animal" includes livestock, dogs and cats.
4. "Livestock" means any horse, bovine, sheep, goat, pig, llama, alpaca, domestic rabbit, farm-raised deer, or domestic fowl, including any farm-raised game bird.

5. "Owner" means a person who owns, harbors, or keeps the dog or domestic animal.
6. "Running at large" means off the owner's legal premise and not under the control of the owner or some other person.
7. "Stray dog" means a dog running at large whose owner is unknown.
8. "Town" means the Town of Sampson in Chippewa County, Wisconsin.
9. "Town board" means the board of supervisors for the Town of Sampson, Chippewa County, Wisconsin and includes designees of the board authorized to act for the board.
10. "Town clerk" means the clerk of the Town of Sampson, Chippewa County, Wisconsin.
11. "Untagged" means a valid license tag is not attached to a collar that is kept on the dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner's legal premise.
12. "Wis. Stats" means the Wisconsin Statutes, including successor provisions of cited statutes.

Section 5. Restrictions on dogs and domestic animals.

Except as provided in Section 6, no person may do any of the following:

1. Allow any dog or domestic animal owned by that person to run at large in the Town.
2. Allow any dog owned by that person to be untagged in the Town.
3. Allow any dog or domestic animal owned by that person to be abandoned in the Town.
4. Allow a dog or domestic animal on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the Town, as determined by the Town Board, or its designees, after receipt of written notice from the Town Board, of the Town or its designees, to the owner of the dog or to the owner of the legal premise where the dog or domestic animal is kept that the noise from the dog or domestic animal must be eliminated.

Section 6. Exemptions from coverage.

1. 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 land on which 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 where these events have been approved by the Town Board, or its designees.

2. A dog that is used by a law enforcement agency as defined in s. 165.83 (1) (b), Wis. Stats., in the Town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
3. A dog that is untagged and kept in the Town for educational or scientific purposes as determined by the Town Board of the Town shall not be considered untagged for purposes of this ordinance.
4. A dog that is untagged and is kept in the Town for the blind, deaf, and mobility impaired as determined by the Town Board of the Town shall not be considered untagged for purposes of this ordinance.

Section 7. Dog License Tax

1. The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except. as follows:
 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
 2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the dog license tax.
1. The annual license fee shall be that set by Chippewa County of the dog license tax in accordance with s. 174.05 (2), Wis. Stats..
2. The license year commences on January 1 and ends on the following December 31.
3. A late fee of \$5 shall be collected from every owner of a dog 5 months of age or over, if the owner 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 received or collected shall be paid into the town treasury as revenue of the town.

Section 8. Town authority

1. An authorized officer or employee of the Town shall attempt to capture and restrain any dog running at large or any untagged dog. The Town Board authorizes the following officers to act under this paragraph: the Town Board Chairperson, Town Supervisors, Town Road Worker, and any person specifically designated or authorized by the Town Board.

2. Any person, including town officers and employees, may take into custody any dog running at large in the Town but shall timely deliver the dog to the Town Board chairperson or his or her designee, to provide care, treatment, or disposal of animals.
 1. If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined the Town Clerk shall provide written notice to the owner that the dog is in the Town's custody and informing the owner that if the owner fails to claim the dog, have the dog properly tagged, and pay the costs of impoundment and care incurred by the Town within 7 days after receipt by the dog's owner, of the dog will be considered abandoned. No dog in custody of the Town shall be returned to the owner, or an agent of the owner, unless the dog is properly tagged and all custody, care, vaccination, and treatment costs incurred by the Town are fully paid by owner or agent of owners.
 2. If the identity of the owner of a dog taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.
1. Unclaimed stray dogs remaining in the custody of the Town for 7 days and abandoned dogs remaining in the custody of the Town for 7 days after issuance of the notice to the owner under Subsection B. may be released to a person other than the owner, in accordance with sec. 173.23 (1m) (a), Wis. Stats., euthanized under sec. 173.23 (1m) (c), or released for scientific or research purposes under sec. 174.13, Wis. Stats.
2. The Town and its officers and agents shall comply with Chapters 173 and 174, Wis. Stats.
3. All persons in the Town shall fully cooperate with the Town regarding dogs in the Town and shall answer frankly, fully, and truthfully all questions of the Town relative to dog ownership, possession, and keeping of a dog or dogs within the Town.

Section 9. Penalty Provisions

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, be penalized by the Town of Sampson Penalties Ordinance 1-2007.

Section 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 provision or application, and to this end, the provisions of this ordinance are severable.

Section 11. Effective Date

This ordinance is effective upon publication.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. Stats.

Adopted this 6 day of August 2007. Amended 3 November 2008.

Joseph Butterfield, Town Board Chairman

Norman Gutsch, First Supervisor

Chris Haller, Second Supervisor.

Attest: Veda Reed, Town Clerk