

## *Section 9*

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TOWN OF HUMBOLDT ORDINANCE FOR THE CONTROL OF DOGS

Pursuant to Section 60.22, Wisconsin Statutes, and for the health, safety, general welfare, government and good order of the Town of Humboldt, Brown County, Wisconsin, the Town Board of the Town of Humboldt, County of Brown, Wisconsin, does ordain as follows:

**SECTION 1. DEFINITIONS.** In this Ordinance, unless the context or subject matter otherwise requires:

(a) "Owner" shall mean any person owning, harboring or keeping a dog, and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten (10) days, is presumed to be harboring or keeping a dog within the meaning of this section.

(b) "At large" means to be off the premises of the owner and not under the control of some person, either by leash or otherwise. However, a dog within an automobile of its owner, or in an automobile of any other person with the consent of the dog's owner, shall be deemed to be upon the owner's premises.

**SECTION 2. LICENSE REQUIRED.** Except for persons who own dogs that are kept only for educational or scientific purposes pursuant to Sec. 174.054, Wis. Stats., the owner of a dog more than five (5) months of age on January 1 of any year or five (5) months of age within the license year, shall annually, on or before the date the dog becomes five (5) months of age, pay the dog license tax and obtain a license. The license year commences on January 1 and ends on the following December 31. Failure to obtain a license prior to April 1 of each year, or within thirty (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, a late fee of \$5.00 shall be charged.

**SECTION 3. LICENSE TAG ATTACHED.** A valid license tag shall be attached to a collar upon all dogs within the Town of Humboldt at all times. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. No action shall be maintained for an injury to or the destruction of a dog without a tag unless it shall appear that a tag has been properly attached to the collar of the dog and has been lost or removed without the knowledge of the owner.

**SECTION 4. DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT.** The Pound Master, Town Constable, or other duly authorized Humane Society officer shall attempt to capture and restrain any dog running at large and any untagged dog. Any duly authorized officer proceeding pursuant to this Ordinance may enter upon any premises for the purpose of seizing, restraining and impounding any dog found running at large or found in any place without a license.

**SECTION 5. IMPOUNDMENT.** If the identity and ownership of the dog violating this Ordinance can be readily ascertained, the Constable may decline to impound the dog and instead advise such owner of such violation(s). This shall not limit the authority of the Constable to impound any such dog forthwith, or to prosecute such owner as herein provided. The owner of an impounded dog shall pay the officer or pound to whom the dog was delivered a boarding fee for each day or fraction of a day that a dog is impounded. In addition, an impoundment fee payable to the County Treasurer and credited to the dog license fund may be payable.

**SECTION 6. RELEASE OF DOG TO OWNER OR REPRESENTATIVE.** The officer or pound to whom a dog is delivered may release the dog 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 dog is licensed, and presents evidence that the dog is vaccinated against rabies, or receipt from a licensed veterinarian for prepayment of a rabies inoculation; and
- (c) The owner or representative pays the boarding fees and any impoundment fee for the dog.

**SECTION 7. RESTRICTIONS ON KEEPING DOGS.** It shall be unlawful for any person in the Town of Humboldt to own, harbor or keep any dog which:

- (a) Habitually pursues any vehicle upon any public street, alley or highway of the Town.
- (b) Assaults or attacks any person.
- (c) Is at large within the limits of the Town.
- (d) Habitually barks or howls to the annoyance of any person or persons.
- (e) Kills, wounds or worries any domestic animal as defined in Section 174.001(2g), Wis. Stats..

(f) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

**SECTION 8. DUTY OF OWNER IN CASE OF DOGBITE.** Every owner, or person harboring or keeping a dog, who knows that such dog has bitten any person shall immediately report such fact to the Town Constable, and shall keep such dog confined for not less than fourteen (14) days or for such period of time as the Constable shall thereafter direct. The owner or keeper of any such dog shall surrender the dog to the Constable or the Constable's designee, upon demand for examination.

**SECTION 9. OWNER OR KEEPER UNKNOWN.** If such person owning or harboring an offending dog cannot be ascertained, then, and in that case, the Constable shall post written notice within forty-eight (48) hours after seizure of such dog. The notice shall be posted in three (3) conspicuous places in the Town of Humboldt, one of which will be the bulletin board at the Town Hall. Said notice shall be dated, shall describe the dog and location from which the dog was seized. The notice shall further state that if the owner does not reclaim the dog within seven (7) days of the date of seizure, then and in that case, the dog shall be deemed an unclaimed dog and thereafter dispatched as provided in Section 174.046(9), Wis. Stats..

**SECTION 10. LIMITED NUMBER OF DOGS ON ZONING LOT.** The keeping of a large number of dogs on any zoning lot for a considerable period of time may detract from and, in many instances, be detrimental to the healthful and comfortable life for which such areas are utilized. The keeping of a large number of dogs is, therefore, declared to be a public nuisance, except as provided herein. "Zoning lot" shall mean a single tract of land located within a single block, which is designated by its owner or developer as a tract to be used, developed or built upon as a unit, under single ownership or control. No person shall own, harbor or keep more than three (3) dogs on any zoning lot, except that:

(a) A litter of pups, or a portion of a litter, may be kept for a period of time not exceeding eight (8) weeks from birth; and

(b) For a commercial use, pursuant to permit issued under the Town of Humboldt Zoning Ordinance.

**SECTION 11. PENALTY.**

(a) Any person, firm or corporation who shall violate any provision of this Ordinance shall be punished by a forfeiture of not less than \$25.00 nor more than \$100.00, together with the

costs of prosecution, including all attorney's fees and costs incurred by the Town, and, upon failure to pay said forfeiture and costs, may be confined in the Brown County Jail for not more than ten (10) days.

(b) Any person, firm or corporation convicted of violating any provision of this Ordinance, who shall previously have been convicted of a violation of this Ordinance, shall upon this second and subsequent conviction forfeit not less than \$50.00 nor more than \$200.00 for each such offense, together with the costs of prosecution, including all attorney's fees and costs incurred by the Town, and in default of payment of said forfeiture and costs, may be imprisoned in the County Jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

**SECTION 12. EFFECTIVE DATE.** This Ordinance shall take effect on the day after its publication as a Class I Notice, pursuant to Chapter 985, Wis. Stats..

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1992.

TOWN BOARD OF THE TOWN OF HUMBOLDT:

\_\_\_\_\_  
Norbert Dantine, Jr., Chairman

\_\_\_\_\_  
Merlin Vanden Plas, Supervisor

\_\_\_\_\_  
Stuart Allen, Supervisor

ATTEST:

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Emerence Jadin, Clerk