

TITLE 2 - COMMUNITY PROTECTION

DIVISION 1 - LAW ENFORCEMENT

CHAPTER 3 - ANIMAL CONTROL

ARTICLE 1 - ANIMAL CONTROL OFFICER

2.1-3.0105 APPOINTMENT AND COMPENSATION.

Eau Claire County Humane Association is contracted by the Town of Washington for animal control. All employees of the Eau Claire County Humane Association who hold current certification under §173.27(3) Wisconsin Statutes, are appointed Town Humane Officers.

2.1-3.0110 APPOINTMENT OF HEARING OFFICER.

The Chairperson, or any Town Supervisor appointed by the Chairperson, may modify or withdraw abatement orders issued under §173.11 Wisconsin Statutes, by Town Humane Officers.

TITLE 2 - COMMUNITY PROTECTION

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CHAPTER 3 - ANIMAL CONTROL

ARTICLE 2 - ANIMAL CONTROL REGULATIONS

2.1-3.0205 PURPOSE. The purpose of this Article is to regulate and control dogs, cats and other animals within the limits of the Town and to safeguard and protect property and the general public and to provide regulations to prevent cruelty to all animals. This ordinance applies to all animals within the Town.

2.1-3.0210 DEFINITIONS. Unless the context requires otherwise, the following definitions shall apply:

A. Animal: means a living creature, not human, and being either domestic or wild.

B. Animal Shelter: means the animal shelter operation of the Eau Claire County Humane Association which is the designated place for the proper care of impounded animals held under the authority of this Article.

C. At Large: means an animal off the premises of the owner. An animal properly licensed as required by this Article shall not be deemed at large if such animal: (1) is on the premises of the owner; (2) is under the control of a person competent to restrain and control the animal, either by leash, cord, chain or other similar restraint not more than ten (10) feet in length or properly restrained within a motor vehicle; or (3) is properly housed in a veterinary hospital or licensed kennel, pet shop or the designated animal shelter.

D. Cat: means all members of the felis domestica species, male or female, altered or unaltered.

E. Competent Person: means a person of such maturity as to be able to exercise control over an animal.

F. Dog: means all dogs, male or female, altered or unaltered.

G. Owner: is intended to mean any person or persons owning, keeping or harboring a dog, cat, horse or other animal.

H. Harbor: means to feed or shelter an animal for more than 72 hours.

I. Keep: means to harbor and exercise some degree of control or management of an animal.

2.1-3.0215 RUNNING AT LARGE PROHIBITED. No owner of any animal shall allow such animal to run at large within the limits of the Town. The owner of said animal shall be held responsible and subject to penalty.

Dogs, cats and other domestic animals shall not be considered running at large when a property owner other than the animal's owner has given permission for the animal to

be present on his or her property.

Dogs used for hunting purposes on public or private lands shall not be considered running at large if the dog owner is present and has the dog under his or her control by voice or whistle command.

2.1-3.0220 UNLAWFUL TO CAUSE HARM OR INJURY. No person shall cause, permit or suffer to permit a dog, cat or other animal to attack or kill any person or domestic animal. This Section applies to any owner of the offending animal, any person charged with its care or any person providing its care. It is not a defense to a charge of violating this provision that the attacking and killing occurred all or in part on the premises owned, controlled or occupied by the defendant.

2.1-3.0221 UNLAWFUL TO PLACE PERSONS IN FEAR OF INJURY. No person shall cause, urge, permit or suffer a dog, cat or other animal to place any person or other animals in reasonable fear of attack or injury.

2.1-3.0225 CRUELTY TO ANIMALS PROHIBITED. No person shall torture, torment, deprive of necessary subsistence, mutilate, cruelly beat or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter or protection from the weather or cruelly abandon same or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal either maliciously, willfully or negligently.

2.1-3.0230 ANIMAL NUISANCES. The owner of any dog, cat or other animal shall not permit such dog, cat or other animal to become a nuisance to the public by any of the following:

A. Being an annoyance or disturbance to any person other than the owner by frequent and habitual barking, howling, yelping, hissing, meowing or fighting.

B. Defacing, scratching or marring any personal property other than that of the owner of said animal.

C. Entering any property where food or drink is sold unless provided for otherwise under Statutes.

D. Allowing such animals to defecate on property other than the animal owner's property without cleaning up the droppings.

E. No person shall harbor or keep any dog or any other animal, which is a public nuisance.

F. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

G. EXCEPTION. Farms, Farm Animals and Farm Operations shall not be found to be an annoyance or nuisance under this ordinance.

2.1-3.0231 ANIMALS AND SPECIES PROHIBITED

Animals of the species or classifications named in this section are hereby declared to

be a nuisance within the Town and may not be kept by any person:

- A. Poisonous snakes,
- B. Poisonous reptiles,
- C. Poisonous fish,
- D. Electric eels,
- E. Alligators and crocodiles,
- F. Cougars, wild cats, lions, or mountain lions,
- G. Bears, unless kept by a licensed wildlife rehabilitator or the owner has a current DNR permit to do so, and the owner has, by January 30 of each calendar year, displayed the original permit to the Town Clerk and provided the Town Clerk with an exact copy of such permit.
- H. Any primate, except homo sapiens

2.1-3.0232 LIMITATIONS ON NUMBER OF DOGS

No person shall own or keep more than five (5) dogs in the residential zoning districts (including R1L, R1M, R2, and R3) without a commercial kennel license. Exception for litters born on the property for 12 weeks.

2.1-3.0235 OWNER OR PERSON IN CHARGE OF ANIMAL TO KEEP PLACE IN SANITARY CONDITION. The owner or person in charge of any dog, cat, horse or other animal shall keep the premises where the animal is kept in a clean and sanitary condition at all times.

2.1-3.0240 CONFINEMENT OF FEMALE DOGS AND CATS IN HEAT. The owner of any female dog or cat in heat shall confine said female dog or cat in a building which is completely enclosed, housed in a veterinary hospital or licensed kennel or within the owner's yard enclosed by a fence or other structure having a height of at least 42 inches. Nothing in this Section, however, shall be construed as prohibiting any competent and responsible person from walking said dog or cat with a leash, cord, chain or other similar restraint not more than ten (10) feet in length or from transporting such dog or cat within a motor vehicle under proper restraint.

2.1-3.0245 ANIMALNAPPING. No person shall take the dog, cat or other animal of another from one place to another without the owner's consent or cause such dog, cat or other animal to be confined or carried out of the Town or held for any purpose without the owner's consent. This Section does not apply to enforcement officials including the Town Police Officer and Animal Control Officer engaged in the exercise of their official duties under this Title.

2.1-3.0246 DANGEROUS AND VICIOUS ANIMALS

- A. No person shall own, harbor, keep or maintain any dangerous or vicious dogs in the Town.
- B. No person shall bring into the Town, any dog which has been deemed vicious or dangerous in another jurisdiction or any dog ordered removed from another jurisdiction.

C. No person shall interfere with, or provide false information to the Animal Control Officer or other official during the investigation or capture of a dangerous or vicious dog.

D. An Animal Control Officer may impound any dog suspected of being dangerous or vicious, for a period not to exceed 30 days or order the animal to be removed from the Town.

E. Upon receipt of a written order to remove a dangerous or vicious dog from an Animal Control Officer, the owner shall confine the animal immediately if it is not impounded and comply with the removal order within seven days.

F. An Animal Control Officer may destroy, or arrange for the destruction of, a vicious dog with the consent of the dog owner or begin the process to have the dog destroyed per pursuant to §174.02(3), Stats.

G. All orders of the Town shall be in writing and promptly served upon the owner or mailed to the owner by Certified Mail at the owner's last known address.

H. EXEMPTION. The provisions of this section shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

2.1-3.0230 MAD, VICIOUS, SUSPICION OF RABIES - QUARANTINE AND DESTRUCTION

A. No person shall harbor or keep any animal infected with rabies, or any animal bitten by a rabid animal. No person shall fail to report to the Animal Control Officer, Sheriff and the Health Department the existence of an animal which is so infected. It shall be a defense to a charge of violating this paragraph if the person did not know, and did not have reasonable cause to believe, that the animal was infected with rabies or had been bitten by an animal infected with rabies.

B. In all cases hereunder, if any dog, cat, or other domestic animal is found to exhibit signs of rabies, it shall be destroyed and no person shall interfere with the Town authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or other domestic animal.

C. Any dog, cat, or other domestic animal which has bitten any person and which shows evidence of a current rabies inoculation shall be quarantined at such place as designated by the health department for a minimum period of ten days. The dog, cat, or other domestic animal shall be examined by a licensed veterinarian within 24 hours of a quarantine notice and again on the tenth day after the bite. If, in the opinion of the Health Department, the vaccinated animal cannot be confined securely at the residence of its owner or custodian, or exhibits signs of illness as determined by a licensed veterinarian, the dog, cat, or other domestic animal shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.

D. Any dog, cat, or other domestic animal which has bitten any person and which does not display evidence of rabies inoculation shall be quarantined within 24 hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten days. "Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog, cat,

or domestic animal has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his or her determination or findings thereof in writing to the Health Department.

E. Any domesticated wild animal that has bitten any person, including, but not limited to, wolf-dog hybrids, skunks and raccoons shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the State Lab of Hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

F. If a dog, cat, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or other domestic animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.

G. If a dog, cat, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or other domestic animal is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

H. No person, other than the Animal Control Officer, Law Enforcement Officer, or veterinarian, shall kill or cause to be killed, any domesticated animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine, and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

2.1-3.0250 APPREHENSION AND IMPOUNDMENT.

A. It shall be the duty of the Town Police Officer or the Animal Control Officer to cause to be taken up and impounded any dog, cat or any other animal found to be at large within the Town contrary to the provisions of this Article or reasonably believed by the Town Police Officer or Animal Control Officer to have committed one or more of the acts described in Section 2.1-3.0220 or Section 2.1-3.0221 which would subject the owner thereof to penalty.

B. The provisions of §951.15 & 951.18 Stats. are hereby incorporated herein by reference.

2.1-3.0255 IMPOUNDMENT AND DISPOSAL FEES. Impoundment and disposal fees shall be established and collected as may be determined from time to time by the designated animal shelter of the Town.

2.1-3.0260 ANNUAL DOG LICENSE REQUIRED. The owner of all dogs five (5) months of age or older shall annual obtain a license therefore as hereinafter provided.

2.1-3.0260 LICENCE APPLICATION. The owner or keeper of a dog for which a license is required, shall on or before the first day of January of each year apply for a license from the Treasurer or other authorized agent of the Town for each dog owned by him.

A. A fee for each license shall be charged as provided for in Section 2.1-3.0265 Applications made on or after April 1 of each year shall be delinquent and a late fee in accordance with State Statutes shall be applied per dog. See fee schedule Appendix A.

B. Applications for licenses shall be in writing on forms provided by the Town and approved by the Town Administrator. See Appendix A.

2.1-3.0264 VACCINATION OF DOGS AND CATS.

A. The owner of any dog or cat in the Town over the age of five (5) months shall have such dog or cat inoculated for the prevention of rabies by a licensed veterinarian. The owner shall be responsible that evidence of said anti-rabies inoculation be attached to a substantial collar kept on the dog. Such evidence of inoculation shall be removed by the owner when the effect of the vaccination as stated by the veterinarian expires.

B. An owner who imports a dog or cat into Eau Claire County that has reached five months of age must have a current rabies vaccination certificate for the animal.

C. The owner of a dog or cat shall have the animal vaccinated for rabies:

1. Within one year after initial vaccination; or
2. Before the date that the immunization expires, as stated on the certificate; or
3. Within three years after the previous vaccination, if no date is specified on the certificate.

2.1-3.0265 LICENSE FEES. No person shall own or keep a dog over the age of five (5) months within the limits of the Town without first obtaining a license from the Town Treasurer or other authorized agent of the Town by application. See Appendix A for license fee or one-half of these amounts if the dog became 5 months of age after July 1 of the license year. A late fee in accordance with the Statutes shall be applied per dog after April 1 of each year. See Appendix A for late fee amount. A multiple dog license can be applied for by those with a commercial kennel license or anyone permitted to have more than 5 dogs. See Appendix A for license fee. Exemptions to the license fee shall be granted in accordance with §174.054 and §174.055 Stats.

2.1-3.0266 LICENSE TAG. Upon receipt of the application and payment of the required fee, the Town Treasurer shall deliver or mail to the applicant a license which shall be in the form of a metal tag.

2.1-3.0268 USE OF LICENSE TAG. License tags shall be attached by the owner to a substantial collar and during the term of the license shall be at all times kept on the

dog for which the license was issued. Upon expiration of said license, the owner shall remove said tag from the animal.

2.1-3.0270 TRANSFER OR CHANGE OF OWNERSHIP. When the permanent ownership of a dog is transferred, the Treasurer upon notification may transfer the license by notation on a license record giving the name and address of the new owner.

2.1-3.0272 TAG NOT TRANSFERABLE. A license tag issued for one dog shall not be transferable to another dog.

2.1-3.0274 DURATION OF LICENSE. All licenses shall expire on January 1 of the year following the date of issuance.

2.1-3.0276 EXEMPTIONS TO LICENSE REQUIREMENTS. The requirements of licensing dogs shall not apply to such dog if:

- A. In transient through the Town only.
- B. First thirty (30) days of residency by the owner.
- C. Housed in a veterinary hospital or the designated animal shelter.
- D. Housed temporarily in an animal grooming shop.
- E. Exempt from the license requirement by §174.054 Stats.

2.1-3.0230 ENFORCEMENT, PENALTIES AND FEES

A. The Animal Control Officer or any person designated by The State of Wisconsin, a municipal government, a humane society or any person authorized by the Town is authorized to enforce the provisions of this ordinance.

B. The penalties for violation of any portion of this Article are set forth in Section 1-1.0460 and fees are listed in Appendix A of the Municipal Code.

C. Each day that any violation of this ordinance continues shall be deemed a separate offense.