

**AMENDED 87-1
ORDINANCE 99-2
DOG - DOMESTIC ANIMAL CONTROL ORDINANCE**

The Town Board of the Town of Nashville, Forest County, Wisconsin, does ordain as follows:

Section 1. It shall be unlawful for any person in the Town of Nashville to own, harbor, or keep any dog more than five months of age without complying with the provisions of Section 174.01 through Section 174.09 of the Wisconsin State Statutes relation to the licensing and tagging of dogs.

Section 2. Definitions In this ordinance, unless the context or subject matter otherwise require:

- (1) Owner. Shall mean any person owning, harboring or keeping an animal, and the occupant of any premises on which an animal remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the animal within the meaning of this Section.
- (2) At Large. Means to be off the premise of the owner and not under control of some responsible person either by leash or other means. An animal within an automobile of it's owner, or in an automobile of any other person with the consent of the owner of said dog or cat shall be deemed to be upon the owner's premise and under their control.
- (3) Dog. Shall mean any canine, regardless of age or sex.
- (4) Cat. Shall mean any feline, regardless of age or sex.
- (5) Neutered-Spaved. As used herein as describing a dog or cat shall mean a dog or cat having nonfunctional generative organs.
- (6) Animal. Means mammals, reptiles and birds.
- (7) Nuisance. Shall mean behavior that would annoy to any degree and/or potentially cause harm or injury to another person or persons.
- (8) Officer. Shall mean a designated officer appointed by the Town Board of the Town of Nashville to enforce this ordinance.
- (9) Pet. Means any animal kept and treated as a pet.

Section 3. Restrictions on Keeping Dogs - Animals.

It shall be unlawful for any person within the Town of Nashville to own, harbor or keep any dog and or animal which:

- (a) (1) Habitually pursues any vehicle upon any public street or highway in the Town of Nashville.
- (2) Assaults or attacks any person or destroys any property.
- (3) Is at large within the Town of Nashville.
- (4) Habitually barks, howls or cries, unprovoked by humans, to any degree of annoyance of any person or persons.
- (5) Kills, wounds or worries any domestic animal or fowl while at large.
- (6) 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.
- (7) An owner who fails to have an animal vaccinated against rabies 30 days after the animal reaches four months of age. The owner of the animal shall have the same revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21(2), Wisconsin State Statutes.

(b) **VICIOUS DOGS AND ANIMALS.**

- (1) No vicious dog and or domestic animals shall be allowed off the premises of its owner unless muzzled and on a leash under charge of the owner or a member of the owner's immediate family over sixteen (16) years of age or another responsible person. For purposes of enforcing this Section, an animal shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises.

(c) **ANIMALS RUNNING AT LARGE.**

- (1) No person having in his possession or ownership shall allow any animal to run at large within the Town. The owner of any animal, whether licensed or unlicensed, shall keep the animal under control so as not to cause a nuisance and/or interfere with the passing public or neighbors. Any animal running at large unlicensed and required by State law or Town Ordinance to be licensed shall be subject to forfeitures and or penalties.

(d) **NUMBER OF DOGS AND CATS LIMITED.** In order to protect the public health and public sanitation, no more than three (3) dogs and three (3) cats over the age of five (5) months shall be kept in or upon one residential unit by one or more persons constituting one residential unit, unless the premises be licensed as a kennel.

Section 4. Issuance of Dog and Kennel Licenses.

(a) **DOG LICENSES.**

- (1) It shall be unlawful for any person in the Town of Nashville to own, harbor or keep any dog more that five (5) months of age without complying with the provisions of Section 174.05 through Section 174.09, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

- (2) The owner of any 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, or on or before the date the dog becomes five (5) months of age, pay a license fee and obtain a license through the Town Treasurer. The license year shall commence January 1 and end December 31.
- (3) Upon payment of the required license fee and upon presentation on evidence that the dog is currently immunized against rabies, as required by Section 3 (a) (6) of this Ordinance, the Town Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Town Treasurer shall also deliver to the owner, at the time of issuance, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (4) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times.
- (5) The fact that the dog is without a tag, attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any county law enforcement officer, humane officer or town officer may seize impound or restrain any dog for which a dog license is required which is found without such tag attached, at the owners expense.
- (6) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from dog license fees and every person owning such a dog shall receive annually a free dog license from the Town Treasurer upon application thereafter.

(b) KENNEL LICENSES.

- (1) Any person or persons wishing to apply for a kennel license may, instead of the license fee for each dog required by this Ordinance, apply for a kennel license for the keeping or operating of the kennel. Such person or persons shall pay for the license year a license fee of Thirty - Five (\$35.00) dollars for a kennel of twelve (12) or fewer dogs and an additional three (\$3.00) for each dog in excess of twelve. Kennel Licenses shall be issued only upon approval of the Town of Nashville Zoning Committee and the Town Board after a public hearing is held in which the public may attend and give input.
- (2) The owner or the keeper of the kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever a dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is leashed or temporarily out for the purpose of hunting, breeding, trial, training or competition.

Section 5. Duty of Owner in Case Dog Bites.

Any person owning, harboring or keeping any dog which has bitten any person or has, or is suspected of rabies shall immediately deliver and surrender said dog to a Wisconsin licensed Veterinarian and shall notify the Forest County Humane Society Officer, the Sheriff's Department, or a Local Law Enforcement Officer, of the reason which led him to surrender the dog to the veterinarian. Any person who has knowledge that any dog has rabies or has bitten a person shall immediately notify the owner, harboring or keeper of said dog, if known, of the facts which formed his belief the dog has rabies or of the identity of the person bitten and the place, time and circumstances surrounding the biting and shall immediately notify the Humane Society Officer, Sheriff's Department or Local Law Enforcement Officer of the description of the dog involved, the owner, harboring or keeper, if known and the facts which formed his belief that the dog has rabies and the identity of the person bitten and the place, time and circumstances surrounding the biting. It shall be the duty of the Forest County Humane Society or any Law Enforcement Officer to seize any dog which has bitten a person or which has contacted rabies, and deliver the same to any Wisconsin licensed veterinarian for a ten (10) day observation period, if:

- (1) The said dog is not being owned, harbored or kept by any person.
- (2) The person owning, harboring or keeping the said dog does not act as required in

Section 5.

Upon delivery of any such dog to a veterinarian, said Vet shall:

- (1) Impound the dog for ten (10) days observation.
- (2) Examine the dog for rabies.
- (3) Destroy the dog in a humane manner if the dog is infected with rabies.
- (4) Return the dog to the person owning, harboring or keeping same, if the dog is not infected with rabies.
- (5) Be entitled to a reasonable fee in the amount normally charged for boarding a dog, and an additional reasonable fee for the destruction/disposal of dog, if the dog must be destroyed and disposed of. All fees shall be paid by owner.
- (6) Send a written report of his findings to the animal control agency designated by the town and the person owning, harboring or keeping the dog or the Officer who seized the dog..
- (7) Turn over to the animal control agency designated by the town any dog not claimed within 10 days after submitting the written report.

Section 6. Impounding or Destruction of Dog.

(a) ANIMAL CONTROL AGENCY.

(1) The Town of Nashville may contract with or enter into an agreement with such person, persons, organizations or corporation, to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals, and for assisting in the administration of rabies vaccination programs.

(2) The Town does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.

(b) IMPOUNDING OF ANIMALS. In addition, any penalty hereinafter provided for a violation of this Ordinance, any Law Enforcement or Humane Officer may impound any dog, cat or other animal which habitually pursues any vehicle being legally operated upon any street, alley, or highway of this Town, assaults or attacks any person, is at large within the Town, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section, or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Town for any damages it sustains for improper or illegal seizure.

(c) CLAIMING ANIMAL; DISPOSAL OF UNCLAIMED ANIMALS. After seizure of animals under this Section by a Law Enforcement or Humane Officer, the animal shall be impounded. The officer shall notify the owner personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the Town Clerk shall post written notice in three (3) public places in the Town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice, the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained for fourteen (14) days for observation purposes. Within such time the owner may reclaim the animal upon payment of impoundment fees. No animal shall be released from impoundment without being properly licensed if so required by Town Ordinance or State Law.

(d) SALE OF IMPOUNDED ANIMALS. If the owner does not reclaim the animal within the seven (7) days, the animal may be sold to any willing buyer for the cost of the impoundment fees.

(e) TOWN NOT LIABLE FOR IMPOUNDING ANIMALS. The Town and/or its animal control agency shall not be liable for the death and/or injury of any animal which has been impounded or disposed of pursuant to this Section.

Section 7. Animal Feces. The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. Fecal matter shall be disposed of in a proper manner. This Section shall not apply to a person who is visually or physically handicapped.

Section 8. Injury To Property By Animals. It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any private lands or premises without the permission of the owner of such premises, and break, bruise, tear up, crush or injure any lawn, flower bed, plants, shrubs, trees or garden in any manner whatsoever, or to defecate thereon.

Section 9. Barking Dogs or Crying Cats. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls in such a manner as to disturb or annoy persons in the neighborhood. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the proper authorities within four (4) week period.

Section 10. Penalties. The penalty for violation of this Ordinance shall be a forfeiture of \$100.00 plus costs. Each day of violation is a separate infraction.

Section 11. Enforcing Officer. This Ordinance may be enforced by the Town Chairman, or designee, and such enforcement may include the issuance of citations in the name of the Town of Nashville.

Section 12. Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this Ordinance which can be given without the invalid or unconstitutional provision or application.

Section 13. Effective Date. This Ordinance shall take effect and be in force from and after

passage and publication.

Passed by the Town Board of the Town of Nashville this 20th day of October, 1999.

Attest:

Joanne Tacopina
Joanne Tacopina, Town Clerk

Chuck Sleeter
Chuck Sleeter, Town Chairman

Duane Marshall
Duane Marshall, Town Supervisor

Robert VanZile
Robert VanZile, Town Supervisor