

12.04 Dog Licensing and Regulation.

(1) Public policy. In the interest of public health, safety and welfare, keeping dogs and other animals within the City shall be regulated to prevent them from becoming public nuisances.

(2) Animals running at large. (Am. #353) No owner or keeper of any dog or other animal shall permit the same to run at large at any place within the City unless accompanied by and under his physical control. This section shall not prohibit the owner or keeper of a dog or other animal from allowing the animal to run at large upon premises owned or occupied by the owner or keeper of the animal.

(3) License required. (Am. #304; MSC '92)

(a) Every owner or keeper of a dog more than 5 months of age shall annually, at the time and in the manner provided by the law, pay a dog license tax and obtain a license therefor as required by the Wisconsin Statutes. The license fee shall be as provided in § 12.01 of this chapter. For dogs becoming 5 months of age after July 1 of the licensing year, the fees shall be as provided in § 12.01 of this chapter. Evidence must be presented that the dog is currently immunized against rabies by a veterinarian [§§ 95.21(2)(a) and 174.07(1)(b) Wis. Stats.] before a license and tag may be issued.

(b) The license fee for kennel license shall be as provided in § 12.01 of this chapter. Evidence must be presented that all dogs over 5 months of age are currently immunized against rabies by a veterinarian before a kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel may be issued.

(c) Such license shall be purchased by April 1 of each year. Any person who fails to obtain such license by April 1 shall be charged a \$5 administrative fee. If the owner or keeper shall fail to obtain a license as provided for above before the City issues a summons to appear in court to answer to the violation of this section, the owner or keeper may avoid the court appearance by paying an additional \$10 to obtain a license. This fee is an administrative charge and is in addition to the fees described above.

(4) Dog pound.

(a) Confinement of dogs. The Police Department or any other officer appointed by the Council shall apprehend any dog running at large within the City except when the dog is on the premises of its owner or keeper, or is accompanied by and under the control of its owner or keeper, and confine the same in a suitable dog pound. The kennel license tax is \$25 per year, subject to late fees and administrative fees.

(b) Enforcement. The Council shall, from time to time, appoint a qualified officer to apprehend and confine dogs in a pound as herein provided and such officer shall apprehend and confine herein, and enforce this section, including commencing actions for the collection of any forfeitures imposed. Such action shall be brought in the name of the City. The officer shall be paid such compensation as the Council shall determine by resolution.

(c) Disposition of unclaimed dogs. The keeper of the pound shall keep all dogs apprehended for 7 days at the pound unless sooner claimed by the owner or keeper and, if any dog is not claimed by the rightful owner within such time, the dog may be sold for the amount incurred in the apprehending, keeping and care of the dog, or it may be destroyed in a proper and humane manner.

(d) Owner or keeper to pay costs. The owner or keeper of any dog so confined may reclaim such dog at any time before disposal as herein provided and upon payment of all costs and charges incurred in apprehension, keeping and care of the dog. Such fees shall be \$10 for apprehension and care, if the dog is reclaimed within 24 hours of apprehension. If the dog is

reclaimed at any time after 24 hours of apprehension, up to and including the 7th day, the fee shall be actual charges submitted to the City for the care and keeping of such animal, plus expense of any inoculations or other medical treatment. If the dog is not licensed, as a further condition of release, the officer shall require the owner to obtain a license therefor from the proper official.

(5) Vicious dogs. No person shall keep a vicious dog within the City. A showing that a dog has bitten, attacked or injured any person without provocation shall constitute a prima facie showing that such dog is vicious. The court may order a vicious dog destroyed but in the alternative the owner may cause such dog to be immediately removed from the City.

(6) Number of dogs limited. No person shall keep more than 3 dogs over the age of 5 months upon any premises within any residential district within the City as hereafter defined, except in a dog pound established under this section or a kennel duly authorized by the City.

(a) The residential district is any part of the City on which 2 or more residences are occupied within a distance of 1000' of each other.

(b) The premises means all contiguous lands owned or occupied by the same owners or tenants.

(7) Care of animals. (Am. #401)

(a) All dogs, cats and other domestic animals kept within the City shall be maintained in a sanitary manner.

(b) Barking dogs. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps in such a manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to a public nuisance. Citations charging persons with violating this section of the Municipal Code of the City of Delafield may be issued at the discretion of City of Delafield police officers upon complaint or personal observation.

(8) Animal waste. (Cr. #353)

(a) The owner or person having immediate control of an animal shall promptly remove and dispose of in a sanitary manner any excreta left or deposited by the animal on public sidewalks, curbside gutters, hiking-biking trails, public streets, public rights-of-way in front of residential dwelling units or on private property without the owner's permission. This shall not be applicable in cases in which a person is being assisted by a Seeing Eye dog.

(b) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall removed regularly and disposed of properly so as not to attract insects or rodents, become unsightly or cause objectionable odors.