

CHAPTER 11
ORDINANCE NO. 59
ANIMAL CONTROL ORDINANCE

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ORDINANCE NO. 59

**ANIMAL CONTROL ORDINANCE
CHAPTER 11**

The Town Board of Supervisors of the Town of Vernon, Waukesha County, State of Wisconsin do hereby ordain as follows:

SECTION 1

The Town Board of Supervisors of the Town of Vernon, Waukesha County, Wisconsin hereby repeals and recreates Ordinance No. 59 Chapter 11, or, any parts of ordinances, conflicting with or contradicting the current provisions of this Ordinance.

SECTION 2

Chapter 11 of the Town of Vernon Municipal Code, entitled "Animal Control Ordinance," is hereby recreated to read as follows:

11.01 PURPOSE

It is declared to be in the interest of the public health, safety and welfare that keeping animals within the Town be regulated in order to prevent the animals from becoming a public nuisance, injuring people and property, and spreading disease. This Ordinance is enacted pursuant to Town and Village powers. Chapters 172, 173, and 174 of the Wisconsin State Statutes are adopted and made a part of this Ordinance as if fully set forth herein. Any future additions, amendments, revisions, or modifications of the current or future statutes incorporated herein are intended to be made part of this Ordinance in order to secure uniform statewide regulation of animals.

11.02 ANIMALS RUNNING AT LARGE AND VICIOUS ANIMALS

- 1. ANIMALS RUNNING AT LARGE.** It shall be unlawful for the owner or keeper of any animal to permit the animal to run at large any place within the Town unless accompanied by, and under the control of, the owner or keeper of the said animal. This Ordinance shall not prohibit any animal running at large upon premises owned or occupied by the owner or keeper of the animal. Penalties for the violation of this section shall be established by resolution.

- 2. VICIOUS ANIMALS.** It shall be unlawful for the owner, keeper, or licensee of any animal to permit an animal that is vicious to run at large off a premise owned or occupied by the owner, keeper, or licensee of the animal. A written report that an animal has bitten, scratched, attacked or injured any person while running at large off the premises owned or occupied by the owner, keeper, or licensee within the

previous year, shall constitute a prima facie showing that such animal is vicious. A written report that a domestic animal has wounded or worried any horses, cattle, sheep, lambs or other animals while running at large off the premises owned or occupied by the owner, keeper, or licensee of the animal is a public nuisance and may be proceeded against. A judgment that the nuisance be abated may include a provision that the animal be destroyed by a public officer in a humane manner. Penalties for the violation of this section shall be established by resolution.

11.03 NOISY ANIMALS

The keeping or harboring of any animal that frequently or habitually howls, yelps, barks, or makes other noises that greatly annoy or disturb a neighborhood or any considerable number of persons within the Town shall be prohibited. Abatement of said animal shall be as outlined in Public Nuisance Ordinance Number 47, Chapters 4.09, 4.10, and 4.11. Penalties shall be those established by resolution.

11.04 DOG LICENSE

Every owner of a dog more than five (5) months of age on January 1 of any year must pay the dog license tax and obtain a license.

1. **LICENSE YEAR.** The license year commences on January 1 and ends the following December 31.
2. **LICENSE TAX.** A license tax shall be established by resolution.
3. **LATE FEES.** If the owner fails to obtain a license prior to April 1 of each year or within thirty (30) days of acquiring ownership of a licensable dog, a late fee shall be charged. The collecting official shall collect the late fee established by resolution.
4. **RABIES SHOTS REQUIRED.** No dog license shall be issued unless the dog has received a rabies vaccination as required by law, and the owner has provided the Town with adequate proof thereof.

11.05 OFFICE OF TOWN HUMANE OFFICER

1. **TERM AND SALARY.** The position of the humane officer(s) shall be filled by the appointment of the Town Chairperson subject to confirmation by the Town Board for a one-year period. The humane officer(s) shall receive such compensation as established by motion of the Town Board.
2. **DUTIES OF THE HUMANE OFFICER(S).** The humane officer(s) shall have the power and authority to apprehend and confine animals in a shelter as provided in this Ordinance and such humane officer(s) shall have the power and authority to enforce this Ordinance, including the right to commence actions for the collection of

any forfeiture imposed by this section. The humane officer(s) shall have the animal control duties assigned to him or her by motion of the Town Board.

11.06 ANIMAL POUND

1. **CONFINEMENT.** It shall be the duty of the humane officer(s) appointed by the Town Board to apprehend any animal running at large within the Town of Vernon, if such animal is not on the premises of its owner or keeper and is not accompanied or under the control of its owner or keeper. Confinement of the animal shall take place in the area provided by the humane officer(s).
2. **DISPOSITION OF UNCLAIMED ANIMALS.** The humane officer(s) shall keep all apprehended animals for a period of seven (7) days at a pound to be provided by the humane officer(s) for that purpose. If any animal is not reclaimed by the rightful owner within such time, it may be sold for the amount incurred in the keeping of said animal, or may be destroyed in such humane manner as the humane officer(s) shall direct.
3. **TREATMENT OF INJURED OR DISEASED ANIMALS AND DISPOSAL.** The designated humane officer(s) may, in his or her discretion, treat a diseased or injured animal in the humane officer's possession, as a preventive measure, considering the health of the animal and health of other animals in the pound. The humane officer(s) may destroy, in a humane manner, at any time, an animal in the humane officer's possession provided such animal is so injured or diseased that, in the opinion of the humane officer(s), or veterinarian(s) consulted by the humane officer(s), that the animal is suffering to a great extent or will not survive such injury or disease.

11.07 PAYMENT OF COSTS

1. **BOARDING AND DESTRUCTION FEES – UNCLAIMED ANIMALS.** The Town shall pay to the designated humane officer(s) the following amounts established by motion of the Town Board:
 - a. Reasonable compensation to board and care for any animal apprehended and confined. The Town shall not pay for boarding of the animal in excess of seven (7) days.
 - b. All veterinarian and medication costs reasonably incurred by the humane officer(s), for the services provided exclusively to the Town as a Town agent.
 - c. Reasonable compensation to apprehend any animal.
 - d. The reasonable costs of the destruction and disposal of the animal.

2. **RECLAIMED ANIMAL.** The owner, keeper, or licensee of any animal so confined may reclaim the animal anytime before the same is disposed of as hereinbefore provided upon payment of all costs and charges incurred in the apprehension, keeping and care of the animal plus an administrative fee established by resolution. The payment of all fees shall be paid to the designated humane officer(s) before the animal is released. If the animal is a dog or cat, the humane officer(s) shall require proof of licensing and payment of other Town fees, and proof that the animal is currently immunized against rabies, or presentation of a prepaid receipt from a veterinary clinic before the release of an animal to its owner, keeper, or licensee.

3. **REFERRAL TO THE TOWN BOARD.** In the event a person claiming an animal refuses or is unable to pay the foregoing amount, the humane officer(s) shall forthwith refer the matter to the Town Chairperson. The Town Chairperson and one Town Supervisor shall direct the humane officer(s) in the manner that they should proceed to resolve the matter. The Town Chairperson and the one Supervisor have the authority to direct the humane officer(s) to dispose of the animal as if unclaimed, return the animal to the person claiming the animal, waive some or all monetary payment that shall be borne by the Town in whole or in part, or resolve the matter in such other manner as the Town Chairperson and the Supervisor may determine as just and equitable.

11.08 RECORD KEEPING AND REPORTS TO TOWN

The humane officer(s) shall maintain and keep records reflecting the activities of the humane officer(s), pursuant to this Ordinance and State law, and give a written report monthly to the Town Board so that a written report may be considered by the Town Board at its regular monthly meeting. All records kept by the humane officer(s), pursuant to this Ordinance and State law, shall be Town records.

11.09 ENFORCEMENT

All legal proceedings to enforce this Ordinance shall be brought in Circuit Court, Waukesha County. The humane officer(s) appointed by the Town Board shall have the power and authority to apprehend and confine animals as provided in this Ordinance and to otherwise enforce this Ordinance. An action to restrain or enjoin violations may be instituted only after authorization by the Town Board.

11.10 KENNEL LICENSING

1. KIND OF LICENSES.

- a. **Commercial Kennel.** An establishment, structure, or premises where dogs are raised and sold, bred, boarded, trained, or groomed for commercial

purposes. The raising or selling of three (3) or more litters of dogs from any number of adult dogs per year shall constitute a commercial kennel.

- b. Hobby Kennel.** An establishment, structure, premises, or pursuit accessory to the principal use of the property where three (3) or more dogs of six (6) or more months of age are kept for such private purposes as pets, field trials, shows, or hobby, which is not a commercial kennel. The raising of two (2) litters of dogs per year on a premises and the sale or disposal of said dogs within six (6) months of their birth shall also be considered a hobby kennel.

2. WHEN HOBBY KENNEL LICENSE IS REQUIRED. No more than two (2) dogs, subject to be licensed as set forth here before shall be kept on any premise within the Town without obtaining a kennel license from the Plan Commission as required under the terms of the Waukesha County Zoning Code and as set forth in this section.

3. LICENSING PROCEDURE REQUIRED FOR APPROVAL OF COMMERCIAL LICENSE. The application and approval of a permit for a commercial license shall require a conditional use permit from the Town Plan Commission and Waukesha County Parks and Land Use. The applicant must abide by the requirements of the Town Plan Commission, Town Animal Control Ordinance, Waukesha County Zoning Code and the terms and conditions of the approved commercial kennel license. The Town shall charge a yearly commercial license fee and an application fee established by resolution.

4. LICENSING PROCEDURE REQUIRED FOR APPROVAL OF HOBBY KENNEL LICENSE. The following procedure shall be required for a Hobby Kennel within the Town:

- a. Application.** The Hobby Kennel License shall be subject to the approval of the Town Plan Commission. An applicant may obtain application forms from the Town Clerk and shall file completed application forms, fees, and any information required thereby with the Town Clerk or Plan Commission Secretary/Deputy Clerk.

- b. Hearings.** The Town Clerk or Plan Commission Secretary/Deputy Clerk shall establish a date, time and place for a public hearing before the Town Plan Commission. Written notice of the application, hearing, and time shall be made known to all owners of property located within three hundred (300) feet of the parcel where the kennel is to be located.

- c. Decision.** The Town Plan Commission has the authority to grant, deny the license, or grant the license with conditions. The decision by the Town Plan Commission shall be made within a reasonable time subsequent to the hearing on the application. The Town Clerk or Plan Commission/Deputy Clerk shall give notice to the applicant of the decision.

- d. Fees.** The applicant shall pay to the Town Clerk or Plan Commission Secretary/Deputy Clerk, upon filing the application, a nonrefundable filing fee established by resolution. The filing fee is in addition to the yearly per dog license tax set forth and established by Section 11.04 (2) hereof.

SECTION 3

SEVERABILITY CLAUSE

The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision of a court of competent jurisdiction to be invalid, or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and not affect the validity of all other provisions, sections, or portions thereof of the ordinance which shall remain in full force and effect. Any other ordinance whose terms are in conflict with provisions of this Ordinance are hereby repealed as to those terms that conflict.

SECTION 4

EFFECTIVE DATE

This Ordinance shall take effect immediately upon passage / or posting or publication as provided by law.

Passed and adopted by the Town Board of the Town of Vernon, Waukesha County, Wisconsin, this 7th day of January, 1999.

TOWN BOARD OF SUPERVISORS OF THE TOWN OF VERNON

Karen L. Schuh, Town Chairperson

Carl D. Fortner, Supervisor #1

Diane Herried, Supervisor #2

Gerald Goff, Supervisor #3

Gary L. Wilde, Supervisor #4

ATTEST:

Marilyn A Gauger, Town Clerk

Published or posted on the 11th day of January, 1999.