

**DOG LICENSE & DOMESTIC ANIMAL REGULATION
ORDINANCE NO. 2012-05
TOWN OF HAWTHORNE, DOUGLAS COUNTY, WISCONSIN**

An Ordinance of the Town of Hawthorne, Douglas County, Wisconsin, adopted on May 1, 2012 and entitled DOG LICENSE & REGULATION ORDINANCE:

SECTION I. STATE STATUTES ADOPTED.

The provisions of Chapter 95 and 174, Wisconsin Statutes, and all acts supplementary thereto and amendatory thereof, are hereby adopted and made a part of this ordinance, so far as applicable, except as otherwise lawfully provided to Town Ordinance.

SECTION II. DOG LICENSES.

(1) LICENSE REQUIRED.

(a) No person shall own or keep any dog more than 5 months of age without obtaining a license therefore from the Town Treasurer. Sections 174.05 to 174.10 Wis. Stats., so far as applicable, shall apply to licensing dogs. The licensing year shall be January 1 to December 31.

(b) Upon payment of the required dog license tax and upon presentation of evidence that the dog is currently immunized against rabies, the Town Treasurer shall complete and issue to the owner a license for the dog as prescribed by law.

(2) LICENSE TAX. The license tax for neutered male dogs and spayed female dogs shall be \$3.00 per year; for un-neutered male dogs and unsprayed female dogs, \$ 8.00 per year. The higher tax shall be charged unless the owner presents evidence to the Town Treasurer that the animal has been neutered or spayed. The tax for dogs which become 5 months of age after July 1 of the licensing year shall be ½ of the regular tax. The Town Treasurer shall assess and collect a late fee of \$ 5.00 for every dog 5 months of age or over if the owner thereof failed to obtain a dog license on or prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license on or before the date the dog reached licensable age. All licenses shall expire December 31 of each year.

(3) KENNEL LICENSE.

(a) General. Licenses kennels shall be permitted subject to zoning restrictions. "Kennel" as used in this subsection, means any establishment wherein or whereon dogs are kept for breeding, selling or sporting purposes. No premises shall be allowed as kennels if any buildings or enclosed dog yards or portions thereof are located closer than 300 feet to the nearest adjacent residential lot.

(b) Kennel License Applications. The application for a kennel license shall state the name and address of the owner; the location of the proposed kennel; and the number of dogs proposed to be kept. Any person who keeps or operates a kennel may, in lieu of the individual license tax for each dog required by this section, apply to the Town Treasurer for a kennel license for the operation of such kennel. The kennel license tax is \$ 30.00 for a kennel of 12 or fewer dogs and an additional \$ 3.00 for each dog in excess of 12. The license year shall commence on January 1 and end December 31.

(c) Issuance of Kennel Tags. Upon payment of the required kennel license tax, and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the Treasurer shall issue a number of tags equal to the number of dogs authorized to be kept in the kennel. Tags shall be made in such form that they may readily be distinguished from the individual license tags for the same year. The owner or keeper of the kennel shall at all times, except during dog show competition or when the dog is confined indoors or in a fenced area, keep a kennel license tag attached to the collar of each dog over 5 months old kept under a kennel license.

(4) LISTING OFFICIAL/COLLECTING OFFICIAL.

(a) For purposed of listing dogs owned or kept within the town, pursuant to Section 174.06 Stats., the Town Treasurer shall be the designated listing official.

(b) All dog license fees collected hereunder shall be paid to the Town Treasurer.

SECTION III. RESTRICTIONS ON KEEPING OF DOMESTIC ANIMALS.

(1) As used in this section, the term "domestic animal" includes livestock, dogs, and cats.

(2) No person shall keep any domestic animal which:

(a) Is allowed to run at large. A domestic animal is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(b) Habitually pursues any vehicle upon any public street, alley or highway.

(c) Assaults or attacks any person.

(d) Is vicious. A showing that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is vicious.

(e) Habitually barks, crows, cries, screeches, howls or makes any other loud or annoying sound which greatly disturbs the peace and quiet of a neighborhood or of any two or more persons within the town.

(f) Has not been licensed as required by the ordinances of the Town and the laws of the State of Wisconsin.

(g) Is rabid.

(3) CONFINEMENT AND DISPOSITION.

(a) The Town Constable of the Town of Hawthorne shall be charged with enforcement of the provisions of this section and shall have such powers and duties as may be necessary to enforce this ordinance. The Town Constable shall be subject to the supervision of the Town Board, and the Board shall give him such assistance and direction as may be required. The Town Constable shall keep an accurate record of each domestic animal taken up and impounded, giving a description of the animal; dates of its impoundment, if any, and disposition; the cost of keeping same; his receipts and disbursements and shall file a report thereof with the Town Clerk on the 1st day of each month.

(b) Confinement. Any unlicensed domestic animal or domestic animal found running at large by the Town Constable shall be impounded at the place provided by the Town of Hawthorne.

(c) Care of Dogs. The Town Constable taking up a domestic animal shall deliver it to the place provided by the Town of Hawthorne, which shall provide a means for impounding domestic animals and for the care and feeding thereof.

(d) Notice to Owner. As soon as practicable after a domestic animal is impounded, the Town Constable shall cause notice to be given to the owner, if the owner is known or with reasonable diligence can be located. Publication in the Chippewa Herald-Telegram that such domestic animal is impounded is discretionary with the Town Constable, however, the Town Constable shall check the lost and found column of the Chippewa Herald-Telegram to determine if a domestic animal is advertised which answers the description of the domestic animal.

(e) Redeeming Impounded Animals. An impounded domestic animal may be redeemed by paying a \$ 25.00 pick-up charge together with a charge for each day the domestic animal has been impounded at the place provided therefore by the Town of Hawthorne. Such charges shall be paid to the Custodian of such place or to the Town Treasurer, who will issue a receipt therefore. A showing of said receipt to the Custodian of such place for impounding domestic animals will authorize the Custodian to release the animal.

(f) Disposing of Impounded Domestic Animals. If an impounded domestic animal is not redeemed within 7 days, the Custodian of the approved place for impounding domestic animals may dispose of the animal in a proper and humane manner or may sell or give the animal away to any person who would be a proper owner.

(4) RABIES CONTROL.

(a) Any person who shall suspect that any domestic animal in the Town is infected with rabies shall report his or her suspicion to the Town Constable, describing the domestic animal and giving the name of the owner, if known. Any person who shall observe that a domestic animal has bitten any person shall give a similar report to the Town Constable.

(b) The Town Constable shall investigate such reports, and if there appears to be a reasonable possibility that the domestic animal is infected with rabies or has bitten a person, the Town Constable shall take up the animal and cause it to be confined at the place provided by the Town of Hawthorne, for such period as the Custodian thereof shall deem necessary to determine if the animal is

infected with rabies.

(c) If upon examination it is found that the domestic animal is infected with rabies, it shall be disposed of at the direction of the Town Constable in a humane manner.

(d) This subsection shall be construed and enforced so as to ensure compliance with Section 95.21, Wis. Stats., including but not limited to the penalty provisions thereof providing for forfeitures for violations.

(5) PENALTIES.

(a) Any person who violated Section III (2) (a), (b) or (g) of this ordinance shall forfeit not less than \$ 25.00 nor more than \$ 100.00 for the 1st offense, and not less than \$ 50.00 nor more than \$ 200.00 for subsequent offenses.

(b) No action under Section III (2) (c), (d), (e), or (f) shall be commenced except when a complaint is filed by a resident of the Town of Hawthorne and such complaint has been investigated by the Town Constable and referred by him to the Town Board. Upon conviction or violation of these subsections, the person convicted shall forfeit not less than \$ 15.00 nor more than \$ 50.00 for the 1st offense and not less than \$ 30.00 nor more than \$ 100.00 for subsequent offenses.

SECTION IV. SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Board hereby declares that it would have passed this ordinance and each section, subsection, clause and phrase thereof, irrespective of the fact that any one of more sections, subsections, sentences, clauses and phrases, be declared unconstitutional.

SECTION V. EFFECTIVE DATE.

This ordinance shall take effect upon passage and publication as provided by law. The foregoing Ordinance was adopted at a regular meeting of the Town Board of the Town of Hawthorne on the 1th day of May, 2012.

Kent Paulson, Town Chairman
Conrad Johnson, Town Supervisor
Guy Clemmer, Town Supervisor

I hereby certify that the above ordinance was published as a Class I Notice under Chapter 985, Wis. Stats., on the 1th of May, 2012, and I further certify that copies of this ordinance were posted in at least 3 places in the Town of Hawthorne likely to give notice to the public.

Debbie Wermter, Clerk
Town of Hawthorne
Douglas County, Wisconsin