

STATE OF WISCONSIN
Town of Saint Germain, Vilas County

Code of Ordinances
Chapter 11: Licensing and Control of Dogs, Revised May 2017
Re-adopted without revisions August 19, 2019

11.01 TITLE AND PURPOSE: The title of this chapter is the Town of Saint Germain Licensing and Control of Dogs. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the town.

11.02 DEFINITIONS: In this ordinance:

Abandoned means that an owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section 11.1, subsection E, within 7 days after receipt by a dog's owner of written notice from the town clerk that the dog is under the possession and care of the town or its designated agents.

Animal Control Officer means any person, persons or business designated by the town to enforce Chapter 11, Licensing & Control of Dogs, St. Germain Code of Ordinances, except authority restricted to the Vilas County Humane Officer. (Revised May 2017)

Dog means domesticated dogs of the subspecies *Canis lupus familiaris*.

Law enforcement officer means any person employed by the town for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.

Leashed means restrained from running at will by some physical device attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner's legal premise.

Legal premise means the real property owned or occupied by the owner of a dog.

Owner means a person who owns, harbors or keeps a dog.

Running at large means off the owner's legal premise and not under the control of the owner or some other person.

Stray dog means a dog running at large whose owner is unknown.

Town means the Town of Saint Germain in Vilas County, Wisconsin.

Town board means the board of supervisors for the Town of Saint Germain, Vilas County, Wisconsin, and includes designees of the town board authorized to act for the town board.

Town Clerk means the clerk of the Town of Saint Germain, Vilas County, Wisconsin.

Untagged means a valid license tag is not attached to a collar that is kept on a dog

whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner's legal premise.

Vicious dog means:

- (1) Any dog with a propensity, tendency or disposition to attack, assault, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
- (2) Any dog which attacks a human being or other domestic animal without provocation.
- (3) Any dog owned or harbored primarily or in part for the purpose of dogfighting, or any dog trained for dogfighting.

Wis. Stats means the Wisconsin Statutes, including successor provisions of cited statutes.

11.03 DOG LICENSE:

- (A) The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license fee and obtain a license, except as follows:
 - (1) Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons are exempt from the dog license fee and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
 - (2) Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the license fee.
- (B) The town board shall annually assess the amount of the dog license fee in accordance with fees established by Vilas County Government or as authorized in §174.0(3) Wis. Stats.
- (C) The license year commences on January 1 and ends on the following December 31.
- (D) A late fee of \$5 shall be collected from the owner of every dog 5 months of age or over if the owner fails to obtain a license prior to April 1 of the current year, or within 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license on or before the date the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

11.04 RESTRICTIONS ON DOGS: Except as provided in §11.05 of this chapter, no person may do any of the following:

- (A) Allow any dog or dogs owned by that person to run at large in the town.
- (B) Allow any dog or dogs owned by that person to be untagged in the town.
- (C) Allow any dog or dogs owned by that person to be abandoned in the town.

- (D) Allow any dog or dogs on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the town, as determined by the town board, or its designees. After receipt of written notice from the town board, or its designees, to the owner of the dog or to the owner of the legal premise where the dog is kept, the noise from the dog or dogs must be eliminated.
- (E) Allow any dog or dogs owned by that person to go upon any private lands or premises without the permission of the owner of such lands or premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub tree or garden in any manner whatsoever, or to defecate thereon.
- (F) Allow any dog or dogs owned by that person to be on property, private or public, not owned or possessed by such person until such person has in his immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person. This section shall not apply to a person who is visually or physically handicapped.
- (G) Allow any dog or dogs owned by that person in any cemetery in the Town.
- (H) Keep more than 4 dogs within the Town or allow more than 4 dogs to be kept at any single address within the Town with the exception that all or any portion of a litter of pups may be kept for a period of 9 months from birth.

EXEMPTIONS FROM SECTION 11,04:

- (A) A dog that is actively engaged in the town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land in the town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the town board, or its designees.
- (B) A dog that is used by a law enforcement agency as defined in §165.83(1)(b) Wis. stats., in the town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- (C) A dog that is untagged and kept in the town for educational or scientific purposes as determined by the town board shall not be considered untagged for- purposes of this ordinance.
- (D) A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

11.06 DOGS ON TOWN PROPERTY:

- (A) Dogs are not allowed in town buildings with the exception of events conducted for the purpose of demonstration, education or instruction and the event coordinator assumes full responsibility for proper control of the dog(s).
- (B) Dogs are allowed out of doors on Town Property with the following restrictions:
 - (1) Dogs may be prohibited from entrance onto Town Property during the course of an event when the event sponsor deems it unsafe, unwise or unhealthy to humans to allow dogs on site during the event. In such case the premises must be clearly posted as prohibiting dogs during the event.
 - (2) Dogs must be leashed at all times and under control of their owners in accordance with §11.02 of this chapter

11.07 CRUELTY TO DOGS PROHIBITED:

Any incidences of cruelty to a dog, in any form, brought to the attention of the town board or the Town Animal Control Officer shall be referred to the Vilas County Sheriff's Office and/or the Vilas County Humane Society for consideration of criminal investigation.

11.08 VICIOUS DOGS:

- (A) Except as provided in this section, no person shall harbor or keep a vicious dog within the Town. Any vicious dog which is found on or off the premises of its owner may be seized by the Animal Control Officer upon establishment of the vicious character of the dog and delivered to the Vilas County Animal Shelter where it will be held until such time as a determination can be made that the dog is vicious and what course of action should be pursued by the Town Board. Any expense related to seizure of the dog and the dog being held at the Vilas County Animal Shelter shall be the responsibility of the dog owner.
- (B) Notwithstanding subsection (A) of this section, the Animal Control Officer may tranquilize or euthanize a vicious dog if necessary to take such action to prevent real and immediate injury to any person, including the Animal Control Officer, or if the vicious dog is in the process of attacking another domestic animal.

11.09 OWNER'S LIABILITY FOR INJURY CAUSED BY DOGS: Wisconsin dog bites and dog bite injuries are primarily governed by Chapter 174, Wisconsin Statutes and specifically §174.02, which states:

- (A) Liability for injury:
 - (1) Without notice: Subject to §895.045 and except as provided in §895.57(4), the owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property.
 - (2) After notice: Subject to §895.045 and except as provided in §895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused by the dog biting a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement if the owner was notified or knew that the dog had previously, without provocation, bitten a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement.
- (B) Penalties imposed on owner of dog causing damage:
 - (1) Without notice: The owner of a dog shall forfeit not less than \$50 or more than \$2,500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

- (2) After notice: The owner of a dog shall forfeit not less than \$200 or more than \$5,000 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, and if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.
- (C) Penalties in addition to liability for damages:
The penalties in this subsection are in addition to any other liability imposed on the owner of a dog.
- (1) Court order to euthanize a dog:
The State, any municipality, or a person who is injured by the dog, whose minor child was injured by the dog, or whose domestic animal is injured by the dog may commence a civil action to obtain a judgment from a court ordering an officer to euthanize a dog. The court may grant the judgment if the court finds both of the following:
 - (i) The dog caused serious injury to a person or domestic animal on two separate occasions off the owner's property, without reasonable cause.
 - (ii) The owner of the dog was notified or knew prior to the 2nd injury, that the dog caused the first injury.
 - (2) Any officer enforcing a judgment under this subsection shall euthanize a dog in a proper and humane manner.

11.10 TOWN AUTHORITY:

- (A) The town board has the authority under its village powers under §60.22, Wis. Stats, and the specific authority under §60.23(30), and §169.43, and chapters 173 and 174, Wis. Stats., to adopt this ordinance.
- (B) The town board, pursuant to §173.03, Wis. Stats., and Chapter 10, Animal Control and Welfare, Vilas County Code of ordinances, has created the office of Town Animal Control Officer who is authorized to enforce this chapter within the town, except authority restricted to the Vilas County Humane Officer. (Revised May 2017)
- (C) Any person, including town officers and employees, may take into custody any dog running at large in the town but shall timely deliver the dog to the Town Animal Control Officer to provide care, treatment, or disposal of the dog.
- (D) If the identity of the owner of a dog taken into custody under this ordinance is known or can be determined, the town clerk shall provide written notice to the owner that the dog is in the town's custody and shall inform the owner that if the owner fails to claim the dog, have the dog properly tagged, and pay the costs of impoundment and care incurred by the town, including a \$20 Animal Control Officer service fee, within 7 days after receipt by the dog's owner, the dog will be considered abandoned. No dog in the custody of the town shall be returned to the owner, or an agent of the owner, unless the dog is properly tagged and all custody, care, vaccination, and treatment costs incurred by the town are fully paid by the owner or agent of the owner.
- (E) If the identity of the owner of a dog taken into custody under this chapter is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.

- (F) Unclaimed stray dogs remaining in the custody of the town for seven days and abandoned dogs remaining in the custody of the town for seven days after issuance of the notice to the owner under subsection 11.10(D) above, may be released to a person other than the owner, in accordance with §173.23(1m)(a), Wis. stats., euthanized under §173.23(1m)(c), Wis. stats., or released for scientific or research purposes under §174.13, Wis. stats.
- (G) The town and its officers and agents shall comply with chapters 173 and 174, Wis. Stats. and Chapter 10, Vilas County Code of Ordinances.
- (H) The town board or its designee shall have the authority to issue warnings and citations for any violations of this chapter.

11.1 FORFEITURES:

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of \$20 for the first offense, \$60 for the second offence, and \$100 for all subsequent offences, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this chapter. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations. (Revised May 2017)

11.12 SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

11.13 ADOPTION

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the care, treatment, and control of dogs in the town.

11.14 EFFECTIVE DATE

This ordinance is effective on publication or posting and updates Chapter 11, Licensing and Control of Dogs, Town of Saint Germain Code of Ordinances adopted October 10, 2016. (Revised May 2017)

The Town Clerk shall post or publish this ordinance as required under §60.80, Wis. Stats.

Adopted this 19th day of August 2019



Tom Chirstensen
Town Chairman

Attest:



Tom Martens
Town Clerk