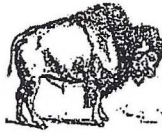


Buffalo County Ordinance



Drafted By: D.D. Twidt

County Department: Admin

Presented Month/Year: 04/09

Fiscal Impact: YES / NO

Involved Committees: Finance

AC Approved: YES / NO

ORDINANCE # 09-04-02

AN ORDINANCE TO REGULATE THE LICENSING AND CONTROL OF DOGS AND OTHER ANIMALS

WHEREAS, Wisconsin State Statute Chapter 174 requires the owner of each dog (which by definition shall include members of the canine species, male or female, altered or unaltered) more than five (5) months of age to pay an annual dog license fee and obtain a dog license(s) (with some specific exceptions); and

WHEREAS, in order to obtain a dog license, a dog owner must, in addition to payment of the license fee, provide proof of a current up-to-date rabies vaccination provided by a licensed veterinarian for each dog to be licensed; and

WHEREAS, Buffalo County wishes to assure our residents comply with all applicable State Statutes concerning domestic animals; and

Now, therefore, the Buffalo County Board of Supervisors ordains as follows:

ANIMAL LICENSES REQUIRED

The terms "license" and "permit" as used throughout this document shall be interchangeable.

No person shall engage in any business or activity identified within this section without a license as required by this chapter.

License fees imposed within this section shall accompany the application unless otherwise specifically exempted by State Statute or law. Fees paid shall not be refunded unless the license is denied or the applicant withdraws his/her application prior to issuance of the license. Publication fees will not be refunded at any time.

1. Subject to payment of the licensure fees stipulated by current Buffalo County Resolution, the owner of each dog five (5) months of age or older as of January 1 of any license year, or five (5) months of age within the license year, shall annually, on or before the first day of April of each license year, obtain a license, from the local Treasurer or other authorized collecting official of the town, village or municipality in which each such dog is kept. The license year shall mean the period commencing on January 1 and ending on the following December 31.

2. In addition, the owner of each dog in the County over the age of five (5) months shall be responsible for having the dog properly vaccinated, by a licensed veterinarian, to prevent rabies. The owner shall be responsible to ensure that evidence of such rabies vaccination is available and can be provided during the annual dog license procedure. The owner of each dog shall also be responsible to ensure that evidence of such rabies inoculation is attached to a substantial neck collar kept on the dog. Such evidence of inoculation must be removed by the owner upon expiration of the vaccine, as stated by a licensed veterinarian.
3. Upon the receipt of appropriate license fee payment and evidence of current rabies immunization, the collecting official shall complete and deliver to the applicant a license for each dog bearing a serial number, stating the date of expiration, the owner's name and address, and the name, sex, spayed or not spayed, neutered or not neutered, breed and color of each dog to be licensed. Upon issuance of the license, the collecting official shall also deliver to the owner of each dog a tag of durable material bearing the same serial number as the license issued, the name of the county in which the license was issued and the current license year. The owner shall attach the license tag to a substantial neck collar kept on each dog to be worn during the term for which the license was issued.
4. When permanent ownership of a dog is transferred, the current license may be transferred by a local collecting official upon proper notification on a license record providing the name and address of the new owner of the dog. A license tag issued for one dog may not be transferred to another dog.
5. Requirements of licensing dogs shall not apply if:
 - (a). A dog is only in transit through the County, or ;
 - (b). It is during the first thirty (30) days of residency in the County by the owner, or;
 - (c). The dog is housed temporarily in an animal grooming facility.
6. Subject to item (7) below, for each dog license purchased on or after April 1, or obtained later than thirty (30) days after acquiring ownership of a licensable dog, or obtained later than thirty (30) days after establishing residency in the County or after the dog reached licensable age, the owner shall be subject to payment of a late application fee as defined by current Buffalo County Resolution. Such late application fee shall double when license is applied for later than ninety (90) days following occurrence of the qualifying event date.
7. Should a dog become five (5) months of age or older after July 1 of the licensing year, the applicable license fee shall be one-half (1/2) of the appropriate annual license fee.

ANIMAL CONTROL REGULATIONS

1. **PURPOSE.**

The purpose of this section is to regulate and control dogs, cats and other domestic animals within the limits of the County to safeguard and protect property and the general public and to provide regulations to prevent cruelty to all animals.

2. DEFINITIONS.

Unless the context requires otherwise, the following definitions shall apply:

Animal. A living creature, not human and being either domestic or wild.

Animal Shelter. The animal shelter operation of a designated place, such as a Humane Society, for the proper care of impounded animals held under authority of this section.

At Large. Any animal off the premises of the owner. An animal; properly licensed as required by this section shall not be deemed to be at large if such animal:

1. Is on the premises of the owner, or;
2. Is under the control of a person competent to restrain and control the animal or is properly restrained and controlled within a motor vehicle or attached trailer, or;
3. Is properly housed in a veterinary hospital or licensed kennel, pet or grooming shop or a designated animal shelter, or;
4. Is any dog specifically trained for blind, deaf or mobility impairment.

Cat. All members of the Felis Deomestica species, male or female, altered or not altered.

Dog. Includes members of the canine species, male or female, altered or not altered.

Domestic Animal. Includes cats, dogs or livestock.

Kennel. Any establishment wherein or whereon cats or dogs are kept for breeding, raising, training, buying, selling, boarding or sporting purposes.

Livestock. Any horse, bovine, sheep, goat, pig, elk, or deer raised in captivity, llama, alpaca, domestic rabbit, farm raised deer or domestic fowl, including game fowl raised in captivity.

Owner. Any person owning, keeping or harboring a cat, dog or other animal.

Officer. A peace officer, local health officer, as defined in State Statute 250.01 (5), humane officer, warden or other employee or person designated by the governing body of the county, city, village or town.

3. RUNNING AT LARGE PROHIBITED.

No owner of any dog shall allow such animal to run, unattended, at large within the limits of the County. The owner of such dog shall be held responsible for any and all damage and shall be subject to a penalty as outlined later in this document. This section shall not apply to normal hunting practices, when utilizing a trained dog, as permitted and licensed by the State.

4. HARM OR INJURY.

No cat, dog or any other domestic animal shall attack persons, other domestic animals or destroy property other than the property of the owner of such animal. No owner of a cat, dog or other domestic animal shall permit such cat, dog or other domestic animal to attack persons or domestic animals or to place any person in reasonable fear of attack or injury.

5. CRUELTY TO ANIMALS PROHIBITED.

- (a) No person shall torture, torment, deprive of necessary subsistence, mutilate, cruelly beat or mame or cruelly kill any animal; fail to provide the same with proper food, drink, shelter or protection from the weather; cruelly abandon same; or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal, either maliciously, willfully or negligently. This section shall not apply to normally accepted animal husbandry practices, such as and including, but not limited to, dehorning,

branding, castration and confinement. This section shall not apply to normal hunting and trapping practices as permitted and licensed by the State.

- (b) No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in accepted standardized veterinary practices.
- (c) Each and every facility housing multiple dogs, including all places of confinement and all other facilities therein, will be maintained in a clean manner with good sanitary conditions and no refuse or waste will be allowed to accumulate thereon which would be detrimental to any animal in the multiple housing facility. Each and every animal kept therein having any disease will be properly isolated and provided with medical treatment as needed. Any animal needing to be destroyed will be destroyed in a humane manner. It shall be a condition of licensure that each multiple animal facility will be subject to inspection at any time by the County Sheriff or his/her designee. In the event an owner or occupant of any multiple animal facilities fails or refuses to grant permission to the Sheriff or his/her designee to enter the premises, it shall constitute sufficient cause to procure a special inspection warrant pursuant to Wisconsin State Statute.

6. ANIMAL NUISANCES

The owner of any dog, cat or other domestic animal shall not permit such dog, cat or other domestic animal to become a nuisance to the public by any of the following:

- (a) Being an annoyance or disturbance to any person other than the owner by frequent and habitual barking, howling, yelping, hissing, meowing or fighting.
- (b) Defacing, scratching or marring any personal or real property other than that of the animal's owner.
- (c) Trespassing upon any property where food or drink is sold, unless provided for specifically under State or Local Statutes.

7. CONFINEMENT OF FEMALE DOGS IN HEAT

The owner, or other responsible person, of any female dog in heat shall confine the animal in an enclosed building; housed within a veterinary hospital or properly licensed kennel; or within the owner's yard enclosed by a fence or other structure of sufficient height to prohibit escape. Nothing in this section, however, shall be construed as prohibiting any competent and responsible person from walking such animal with a lease, cord or chain or transporting such animal within a motor vehicle or attached trailer under proper control and restraint.

8. ANIMAL NAPPING

Any person shall not take a dog, cat or other domestic animal of another person from one place to another place without the owner's (or other responsible person's) consent or cause such

animal to be confined or carried out of the County or held for any other purpose without the owner's (or other responsible person's) consent. This section does not apply to enforcement officials, including the County law enforcement officers engaged in the exercise of their duties under this section or any animal control officer(s).

9. APPREHENSION AND IMPOUNDMENT

- (a) Any Animal Control Officer, or other designated town, village, city or county official, may impound any dog found to be at large within the County which is contrary to the provisions of this section.
- (b) No person shall purposely abandon any domestic animal. Any law enforcement officer may shelter and provide care for any domestic animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in any cruel manner. Such animal may be delivered to another person or group to be cared for and given medical attention as needed. The owner, if known, shall be immediately notified and such officer or other person or group having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of such notice.
- (c) If the owner or custodian of the animal is not known and cannot with reasonable effort be ascertained or does not within five (5) days of notice redeem the animal by paying all expenses incurred, the animal may be deemed to be a stray and dealt with as such.
- (d) Whenever in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, the officer may humanely kill such animal and the owner thereof shall not recover any damages for the killing of such animal unless the owner can prove such killing was not warranted.

10 PICK-UP, IMPOUNDMENT AND DISPOSAL FEES

- (a) Pick-up, impoundment, boarding and disposal fees shall be established and collected as may be determined from time to time by the service provider.
- (b) Any fees charged to the county for the transportation of an animal to a designated animal shelter may be charged back to the known owner of the animal.

11. ENFORCEMENT

Primary responsibility for enforcement of the provisions of this Ordinance shall reside with the applicable town board, village board or city council.

PENALTY PROVISION

GENERAL PENALTY: Except as otherwise provided, any person found to be in violation of any provision of this chapter shall be subject, upon conviction of such violation, to a penalty as follows:

1. **First Offense:** Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, forfeit \$250.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs, may be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding a period of thirty (30) days, and/or drivers license suspension/revocation pursuant to Wisconsin State Statute.
2. **Second Offense:** Any person found guilty of violating any ordinance or part of any ordinance of this Code who has previously been convicted of a violation of the same ordinance within one (1) calendar year shall, upon conviction thereof, forfeit \$500.00, together with the costs of prosecution, and in default of payment of such forfeiture and costs, may be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding sixty (60) days, and/or drivers license suspension/revocation pursuant to Wisconsin State Statute.

CONTINUED VIOLATIONS: Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance Code shall preclude the County from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.

EXECUTION AGAINST DEFENDANT'S PROPERTY: Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of the County, the Court may, in lieu of ordering imprisonment of the defendant or after the defendant has been released from custody, issue an execution against the property of the defendant for such forfeiture and costs.

CITATION: Violations of non traffic ordinances of the County shall be enforced by the issuance of a municipal citation.

OTHER CONDITIONS

REPEAL OF CONFLICTING ORDINANCES. All other ordinances or parts of ordinances, as previously adopted by the County Board of Supervisors, which are in conflict with this ordinance, are hereby repealed.

FUTURE STATUTORY AMENDMENTS, REVISIONS AND MODIFICATIONS. Any future amendments, revisions or modifications of Chapter 174, Wisconsin State Statutes are incorporated herein and made part of this Ordinance.

SEVERABILITY. The provisions of this ordinance shall be deemed severable and it is expressly declared that the County Board would have passed the other provision, sections, subsections, paragraphs, clauses or phrases of this ordinance irrespective of whether or not one or more of such parts may be declared invalid. If any provision or part of this ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

EFFECTIVE DATE. This ordinance shall take effect and be in force after passage and publication as provided by law.

Duly adopted at a duly called and noticed meeting of the Buffalo County Board of Supervisors on the
14th day of April, 2009.

Roland M. Halverson
Buffalo County Clerk

ATTEST:

[Signature]
Buffalo County Board Chairperson

Respectfully Submitted:

Finance Committee

[Signature]
Del D. Twidt

Allen Carothers
Allen Carothers

David G. Ernst
David G. Ernst

[Signature]
David Eddy

Steven Weiss
Steven Weiss

ANTICIPATED FINANCIAL IMPACT STATEMENT

Current Year	Projected Revenue:	Unknown
	Wages and Benefits:	None
	All Other Costs:	None

Next Year	Projected Revenue:	Unknown
	Wages and Benefits:	None
	All Other Costs:	None

