

## ORDINANCE

### DOG REGULATION

#### THE TOWN BOARD OF THE TOWN OF CLEVELAND, CHIPPEWA COUNTY, DOES HEREBY ORDAIN AS FOLLOWS:

The following Ordinance, Title 4, Chapter 1, is hereby adopted by the Town Board on behalf of the Town of Cleveland to be codified in the Town Code of Ordinances:

### DOG REGULATION

#### 4-1-1 AUTHORITY.

This Ordinance is adopted pursuant to the authority vested in the Town Board pursuant to the grant of Village Powers and in accord with sec. 61.34, Wis. Stats.

#### 4-1-2 PURPOSE.

The purpose of this Ordinance is to regulate, by penalty, the owning, harboring, and keeping of dogs within the Town.

#### 4-1-3 DEFINITIONS.

As used in this Ordinance:

- A. "At Large" means to be off the premises of the owner and not under the control of the owner or another person.
- B. "Owner" includes any person owning, harboring, or keeping a dog in the Town. The occupant of any premises on which a dog remains, or to which a dog customarily returns daily for a period of 10 days, is presumed to be harboring or keeping the dog.
- C. "Under Control" means a dog shall be kept on a leash no longer than eight (8) feet at all times when off the premises of its owner.

#### 4-1-4 LICENSE REQUIRED; FEES.

No person shall own, harbor, or keep any dog more than five (5) months of age in the Town without complying with the provisions of secs. 174.05 to 174.09, Wis. Stats. relating to the listing, licensing, and tagging of dogs. Every owner shall have said dog inoculated for rabies by a veterinarian and shall be responsible for keeping such inoculation current during the license period. Proof of current rabies vaccination shall be provided to the Town Treasurer at the time of licensing. The annual license fee payable to the Town Treasurer shall be set by resolution of the Town Board from time to time.

#### 4-1-5 RABID DOGS.

A. Any dog not displaying evidence of a rabies inoculation that bites a person shall be immediately impounded and placed under the observation of a licensed veterinarian for ten (10) days in a suitable place as designated by the

Town Board. After such period of time, said veterinarian shall report in writing thereon to the county health department. Under this provision, display of a valid license tag, as required by this Ordinance, shall be suitable evidence of rabies inoculation in determining whether or not impoundment is required.

B. Any dog known to be, or for which there is good reason to believe, is rabid, shall be impounded at such suitable place as designated by the Town Board for a period of ten (10) days under the observation of a licensed veterinarian. After such period of time, said veterinarian shall report in writing thereon to the county health department.

C. Any dog that bites a person and that, in the opinion of a physician requires immediate diagnosis, shall be euthanized immediately and the head submitted to a qualified laboratory for fluorescent examination for rabies.

D. In all cases hereunder, if a dog is found to be rabid, it shall be destroyed and no person shall interfere with the authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner of said dog.

#### 4-1-6 **RESTRICTIONS FOR OWNING, HARBORING, OR KEEPING DOGS.**

A. No owner shall permit a dog to run at large within the Town. This provision shall be applicable to dogs kept on farms. A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by its owner or his or her agent and the dog is on land that is open to hunting or on land which the person has obtained permission to hunt or train a dog.

B. No owner shall permit a dog to bark or howl repeatedly for ten (10) minutes or more, or bark or howl repeatedly for five (5) minutes or more on two separate occasions within an eight (8) hour period.

C. No owner shall permit a dog to pursue any vehicle upon any public street, alley, or highway.

D. No owner shall permit a dog to assault or attack any person.

#### 4-1-7 **IMPOUNDING AND DISPOSITION OF DOGS.**

A. The Town Constable, or any agent authorized by the Town Board, shall seize any dog running at large within the Town contrary to provision 6.A. of this Ordinance and impound the same in a suitable place as designated by the Town Board.

B. As soon as is reasonably possible after a dog has been impounded, notice shall be given to the owner, if ascertainable, in a manner designated by the Town Board.

C. The Town Board shall designate an agent who shall maintain an accurate record of all dogs impounded, redeemed, and disposed of, including charges for the care of dogs and redemptions, if any. This agent shall make an accounting and turn over any receipts monthly to the Town Treasurer and perform such other and further duties as the Town Board may direct.

D. The owner of any dog impounded may reclaim said dog before the same is disposed of upon payment of all costs and charges incurred in seizing, keeping, and caring for said dog. The costs and charges shall include expenses for inoculation, medical treatment, and an impoundment fee as set by resolution of the Town Board from time to time.

E. If an impounded dog is not redeemed within seven (7) days, the agent designated by the Town Board may sell, give away, or destroy the dog in a proper and humane manner. All receipts from the sale of impounded dogs shall be turned over to the Town Treasurer and accounted for monthly.

**4-1-8 PENALTIES.**

Any person violating the provisions of this Ordinance shall forfeit a sum of not less than \$50 nor more than \$200 for each offense, together with the costs of prosecution. Each violation and each day that a violation occurs shall constitute a separate offense.

**4-1-9 PUBLIC NUISANCE.**

A. In addition to the penalties provided for above, upon the second and each subsequent conviction of provision 6.A., 6.B., or 6.C. of this Ordinance within a twelve month period, the Town may request the Circuit Court determine the dog a public nuisance.

B. In addition to the penalties provided for above, upon the first and each subsequent conviction of provision 6.D. of this Ordinance, the Town may request the Circuit Court determine the dog a public nuisance.

C. Upon the determination of the Circuit Court that a dog is a public nuisance, the owner of the dog shall have seven (7) days to permanently remove the dog from the Town.

D. If the owner fails to permanently remove the dog from the Town within seven (7) days, The Town Constable, or any agent authorized by the Town Board, shall seize the dog and remove the dog from the Town by sale, gift, or destruction in a proper and humane manner. The owner of said dog shall be responsible for all costs and charges incurred in the seizure and removal of said dog.

**4-1-10 SEVERABILITY.**

If any section or provision of this Ordinance is found to be unconstitutional or otherwise invalid, the validity of the remainder of the Ordinance shall not be affected.

The Ordinance(s) relating to Dogs adopted by the Town Board on behalf of the Town of Cleveland on September 9, 2002 is hereby repealed.

This Ordinance shall take effect upon its adoption and posting or publishing by law.

Dated this 12 day of March, 2007.

**TOWN OF CLEVELAND**

BY: Charles J. Carroll  
Charles Carroll, Chairperson

BY: Linda Laird  
Linda Laird, Clerk

F:\docs\CLTY\Cleveland\CLTY\00000001\001 Reg. Res. on Ordinance 2.wpd