

**TOWN OF BYRON
FOND DU LAC COUNTY, WISCONSIN**

ORDINANCE AMENDING ANIMAL CONTROL ORDINANCE

The Town Board of the Town of Byron, upon proper notice and with a quorum present, does hereby ordain the following amendments to the Animal Control Ordinance:

Section IX is amended as follows:

Section IX.2. is amended to read: For purposes of this Section, "vicious" shall mean any animal which constitutes a physical threat to human beings or other animals. Any animal which, unprovoked, causes injury to a person shall be presumed to be vicious. "Vicious" also includes an animal which, while off its owners' or keepers' premises, attacks and injures a domestic animal.

Section IX.3. is hereby repealed.

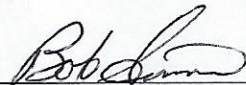
All other provisions of the Animal Control Ordinance remain unchanged.

The Town Clerk and Town Attorney are authorized and directed to make all changes necessary to the Animal Control Ordinance in order to implement this Amendment.

Adopted this 8 day of August, 2017.

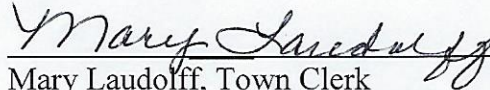
TOWN OF BYRON

By:



Bob Simon, Town Chairperson

Attest:



Mary Laudloff, Town Clerk

ANIMAL CONTROL ORDINANCE

The Town Board of the Town of Byron, in the interest of the health and safety of Town residents and pursuant to its police powers, does hereby ordain and establish an Animal Control Ordinance.

I. DEFINITIONS

- A. Animal: Every living, warmblooded creature except a human being.
- B. Animal Shelter: Any facility operated by a humane society or a municipal agency or its authorized agents for the purposes of impounding or caring for animals held under the authority of this or any other ordinance applicable in the Town or under state law.
- C. Farm Animal: Any warmblooded animal normally raised on farms in Wisconsin and used or intended for use as food or fiber or for the provision thereof.
- D. Impoundment: The taking up of an animal by a law enforcement officer, humane or animal shelter official, or other person in accordance with authorization under this Ordinance and the sheltering, boarding, confinement and care of such animals as may be impounded as a result of violations of this Ordinance. Impoundment shall be at such facilities available to Town residents or Fond du Lac County residents as are or may be established by the Town or the County for the purposes of boarding, confinement and care of strays and abandoned animals and impoundment of animals under County or other Towns' Ordinances providing for the same.
- E. Kennel: Any establishment where dogs or other animals are kept for the purposes of breeding, sale, boarding, training or sporting purposes, all or in part as a service for hire to persons other than or in addition to the kennel owner.
- F. Pet: Any animal kept for pleasure rather than utility.

II. LICENSING

- A. Every owner of any dog five months of age or older must obtain a license therefor as provided in sec. 174.05, Wis. Stats. In accordance with said statute, the minimum license fee for each neutered male or spayed female dog shall be \$2.00. The minimum license fee for each unneutered male or unspayed female dog shall be \$5.00. The Town Board, in its discretion as authorized by sec. 174.05, Wis. Stats., may increase the license fee to an amount not to exceed the total cost to the Town of all licensing, regulating and impounding activities for the previous year. Dog license fees shall be paid to the County Treasurer in accordance with the provisions of sec. 174.08, Wis. Stats. Dog license fees established by the Town Board in excess of the minimum statutory fee shall be paid to the Town Treasurer. In addition to the license fee established herein, a late fee of \$5.00 shall be assessed and collected from every owner of a dog over the age of five

months who fails to obtain a license prior to April 1 of each 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 dog reaches licensable age. All late fees collected shall be paid to the Town Treasurer.

B. Application for licenses shall be made to the Town Treasurer and shall include the name and address of the applicant, description of the animal, the appropriate fee, certification by a licensed veterinarian that the animal is neutered or spayed (if applicable), and certification by a licensed veterinarian that the animal has received current immunization for rabies.

C. Licenses shall be provided for dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons at no charge or fee.

D. Upon acceptance of the application and payment of the required fee, the Town Treasurer shall issue a license tag to all dogs in accordance with the provision of sec. 174.07, Wis. Stats. The owner shall securely attach the tag to the dog's collar in accordance with the requirements of said section.

III. KENNEL PERMITS

A. In addition to the licensing option provided under sec. 174.053, Wis. Stats., every person who owns or operates a kennel shall apply for a kennel permit.

B. The Town Board hereby imposes a kennel permit fee as follows:

\$30.00 for a kennel of 12 or fewer dogs;

\$3.00 for each additional dog over 12.

C. Each permit holder shall, in addition to the other requirements of this Ordinance and the requirements of state statutes, comply with the minimum standards of this section. Failure to comply with these standards shall be grounds for denial or revocation of a kennel permit.

D. Minimum kennel standards are established as follows:

1. Enclosures shall be provided for adequate protection against weather extremes. Floors, runs and walls shall be of an impervious material to permit proper cleaning and disinfecting.

2. Building temperatures shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be provided to promote health and maintain odor control.

3. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the top or sides of the enclosure. Cages shall be of a material that permits cleaning and sanitizing. Concrete floors, unless radiantly heated, shall have bedding or a resting board that allows the animal a resting place that is off the concrete.

4. Runs shall provide an adequate exercise area and protection from the weather.

5. All animals shall be quartered and all quarters and runs shall be kept clean, dry and sanitary. Food shall be free from contamination and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times. Water vessels shall be mounted or secured in a manner that prevents tipping and shall be removable for cleaning.

6. Every dog that is five months or older that is kept shall be vaccinated against rabies. No dog shall be kept or accepted for boarding or training unless it has been vaccinated for distemper. Any animal that appears to be ill shall be promptly examined by the veterinarian of the animal owner's choice, if known, or by the kennel's veterinarian.

IV. NUMBER OF ANIMALS LIMITED

Animal shelters and licensed kennels excepted, no household shall keep in its possession more than a total of 4 licensable dogs over the age of three months unless a person within the household holds a valid Multiple Pet Owners Permit as provided for in this Ordinance.

V. MULTIPLE PET OWNER'S PERMIT

A pet owner may obtain a permit allowing him to own and keep, on his premises, not more than 12 licensable pets over the age of three months. Breeders of purebred animals who declare a need for additional time to evaluate the quality of the offspring from a litter shall have the right to keep the offspring an additional two months without need of a permit. The permit fee shall be \$25.00. Any complaints of excessive noise, odor, or other Ordinance violation may result in revocation of the permit. All animals shall be housed and cared for in accordance with the standards set forth in this Ordinance. A Multiple Pet Owner's Permit shall be available only for persons owning and keeping pets for their personal pleasure and shall not be a substitute for the kennel permit required for persons housing animals for hire.

VI. CARE AND TREATMENT OF ANIMALS

A. All animals shall be provided with food free from contamination and in sufficient quantity and nutritive value to meet the animal's normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times.

B. All animals shall be provided with proper shelter and protection from the weather, veterinary care when needed for routine vaccination and when needed to prevent suffering and with humane care and treatment.

C. No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard. Such treatment shall be deemed cruelty to animals and such animals may be impounded in any animal shelter available to Town residents.

D. No person shall beat, cruelly ill treat, torment, overload, overwork or otherwise abuse any animal. Any animals subjected to such treatment may be impounded.

E. Every person in charge of or control of any animal which is kept outdoors shall provide such animal with shelter meeting the minimum standards set forth in this section. The foregoing notwithstanding, in the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the Town.

1. All animals shall be provided with a moisture-proof shelter made of a durable material and suitable in size to accommodate the animal and allow for retention of body heat. The shelter shall have a floor raised at least 2 inches off the ground. During the months of September through April, inclusive, the shelter shall have an entrance covered by a self-closing swinging covering or an "L" shaped entrance to prevent the wind from blowing directly into the shelter. During said months, the shelter shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote the retention of body heat.

2. During the months of May through September, inclusive, and at any other such times when sunlight is likely to cause heat exhaustion, all animals shall be provided with shade by natural or artificial means from the direct rays of the sun.

F. No person shall abandon any animal.

VII. CONTROL OF ANIMALS

1. Every animal owner, and every person charged with the care or custody of an animal, shall exercise proper care and control of such animals to prevent them from becoming a public nuisance. Molesting a passersby, chasing vehicles, attacking other animals without provocation, trespassing upon public or private property in such a manner as to cause damage, and excessive or continuous barking, whining or howling, shall be deemed a nuisance.

2. No animal shall be allowed to run at large within the Town. For the purposes of this section, "running at large" shall embrace all places within the Town other than the premises of the animal's owner or other person charged with care and custody of the animal if known, or premises rented or otherwise under the direct control and possession of the owner or custodian of the animal. Any animal found running at large, regardless of known ownership or the lack thereof, may be subject to impoundment. This section shall apply both to animals with known owners or custodians and to stray animals.

VIII. DANGEROUS DOGS

1. No person shall allow a dangerous dog to go unconfined.
2. No person shall allow a dangerous dog to go beyond the person's premises unless such dog is muzzled by a device sufficient to prevent such dog from biting persons or other animals and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding four feet in length.
3. For the purposes of this section, "dangerous dog" means any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of humans or other animals, or any dog which attacks a human being or other animal without provocation.
4. A dangerous dog is unconfined if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot.
5. No person shall own or harbor any dog for the purpose of dog fighting, or to train, torment, badger, bait or use any dog for the purposes of causing or encouraging said dog to unprovoked attacks upon human beings or other animals.
6. The provisions of this section shall apply to adult dogs only, which shall mean any dog over the age of six months.
7. Any person convicted of violating the provisions of this section shall forfeit an amount not less than \$100.00 nor more than \$1,000.00 or in lieu thereof be imprisoned in the Fond du Lac County Jail for a term not to exceed 90 days. Each day of violation shall constitute a separate offense.
8. Any dangerous dog which attacks a human being or another animal may be ordered destroyed when, in the Court's judgment, such dangerous dog poses a continuing threat of serious harm to human beings or other animals.
9. Any person found guilty of violating this section shall be responsible for expenses of prosecution, and all expenses incurred for shelter, food, veterinary care, identification and boarding necessitated by the seizure of any dog for the protection of the public, and any such expenses as may be incurred for the destruction of any such dog.

IX. VICIOUS ANIMALS

1. No person shall own or keep any vicious animal in the Town.

2. For the purposes of this section, "vicious" shall mean any animal which constitutes a physical threat to human beings or other animals. An animal which, unprovoked, bites 2 persons within a 12-month period shall be presumed to be vicious.

3. The species of dog commonly known as the "pit bull" is considered by its nature and actions to be a danger to the public and is hereby declared to be a vicious animal. No person shall own or keep a "pit bull" in the Town. Any person owning or keeping a "pit bull" shall be subject to the provisions and penalties set forth in Section VIII, above.

X. GENERAL DUTY

Nothing in this Ordinance is intended to create a cause of action or claim against the Town or its officials or employees running to specific individuals. Any duty created herein is intended to be a general duty running in favor of the public citizenry.

XI. PENALTY

Except as otherwise specifically provided herein, any person convicted of a violation of any provision of this Ordinance shall forfeit an amount not less than \$50.00 nor more than \$500.00. Each day of a violation shall constitute a separate offense. In addition to all other remedies and penalties, any person convicted a violation of any portion of this Ordinance pertaining to the care and treatment of animals shall have the license to own, keep, harbor or have custody of animals revoked and no new license shall be issued fore a period of one year.

XII. SEVERABILITY

If any part of this Ordinance shall be held invalid, any such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Adopted this 9th day of May, 1989 by the Town Board of the Town of Byron.

Francis Ferguson
Town Chairman

Attest:

Betty M Kaufman
Town Clerk

Published this 25th day of May, 1989