

STATE OF WISCONSIN
BAYFIELD COUNTY
TOWN OF CABLE

**DOGS/VICIOUS DOGS ORDINANCE NO. 11-19 – AMENDMENT
TO ORDINANCE NO. 11**

SECTION I. TITLE/PURPOSE

The Town Board of the Town of Cable, County of Bayfield, do ordain as follows to repeal and recreate Ordinance No. 11, Dogs, in its entirety as follows:

The title of this ordinance shall be Dogs/Vicious Dogs Ordinance No. 11-19

SECTION II. AUTHORITY

The town board has the authority under its village powers under s. 60.22, Wis. Stats., and the specific authority under s. 60.23 (30), and chapters 173 and 174, Wis. Stats., to adopt this ordinance.

SECTION III. ADOPTION OF ORDINANCE

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.

SECTION IV. GENERAL REGULATIONS

1. License and Fees.

- a) The owner of a dog five (5) months or older as of January 1 of any year shall annually license their dog with the Town Treasurer. The license year runs from January 1 through December 31.
- b) The license fee for a spayed/neutered dog is \$5.00. For dogs that are not spayed/neutered, the license fee is \$12.00.

c) Service Animals Exempt.

Every animal specially trained as a service animal shall be exempt from licensing and every taxpayer owning such an animal shall annually receive a free license from the Town Treasurer upon application therefore.

2. Nuisance Dogs Prohibited.

Nuisance dogs are prohibited. A dog shall be considered a nuisance if it:

- a) Damages, soils, defiles or defecates on private property other than the owners or on public walks and recreation areas, unless such waste is immediately removed and properly disposed of by the owner.
- b) Causes unsanitary, dangerous or offensive conditions.
- c) Causes a disturbance by excessive barking or other noise making.
- d) Chases vehicles or molest, attacks or interferes with persons or other domestic animals on public or private property.

3. Rabies Vaccinations.

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age, and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian within three years after the previous vaccination.

4. Running at Large Prohibited.

- a) No dogs shall be permitted to run at large off the premises of the dog owner in the Town of Cable. This prohibition shall apply to licenses and unlicensed dogs.
- b) Dogs shall be on a leash while in the commercial/residential area of the Town within 400 yards of the intersections of Highway 63 and County Highway M.

5. Humane Treatment of Dogs Required.

- a) Abuse of dogs is prohibited. No person shall cruelly beat, frighten, overburden or abuse any animal or bird, or use any device or chemical substance whereby pain, suffering or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing dogs.
- b) Abandonment of Dogs is Prohibited. No person shall abandon any dog or transport any dog in a cruel manner.
- c) Care of Dogs.
 - 1) Food and Water. No person owning or having custody of any dog shall neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the dog in good health.

- 2) Providing Shelter. No person shall fail to provide any dog in his charge with shelter from inclement weather or to ensure the protection and comfort of the dog.
- 3) Overheating. When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun.
- 4) Animals Kept Outdoors. Dogs kept outdoors for more than one hour at a time must be provided with moisture proof and windproof shelter of a size which allows the dog to turn around freely and to easily sit, stand and lie in a normal position and to keep the dog clean, dry and comfortable. Whenever the outdoor temperature is below 40 degrees F, clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the dog.

SECTION V. VICIOUS/DANGEROUS DOGS REGULATED

1. Dangerous and Vicious Dog Definitions.

- a) "Dangerous Dog". Any dog which is capable of inflicting death or serious injury on a person or another animal and which:
 - 1) Has, without provocation, attacked or bitten a person engaged in a lawful activity; or,
 - 2) Has, while off the property of its owner and without provocation, killed or seriously injured another animal; or
 - 3) Has, without provocation, chased, confronted or approached a person on a street, sidewalk or other public property in a menacing fashion such as would put an average person in fear of attack, or
 - 4) Has exhibited a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation; or
 - 5) Has acted in a manner that causes or should cause its owner to know that it is potentially vicious.

- b) "Vicious Dog". Any dog which:
 - 1) Has caused death or serious injury to a person engaged in a lawful activity;
 - 2) Has, on two or more occasions within a 12-month period, attacked or bitten without provocation a person engaged in a lawful activity;
 - 3) Has, on two or more occasions within a 12-month period, while off the property of its owner and without provocation, killed or seriously injured another animal; or
 - 4) Has been trained for dog fighting or is owned or kept for the purpose of dog fighting.

- c) "Owner". Includes any person having a right or property in a dog, and any person who keeps or harbors a dog or has it in his care, or who acts as its custodian, and any person who permits a dog to remain on or about any premises occupied by him.

2. **Prohibitions and Limitations.** It shall be unlawful for any person to keep within the Town of Cable any vicious dog. Upon finding that a dog is vicious, court of competent jurisdiction may order the dog to be impounded and destroyed, or to be removed from the Town. It shall be unlawful for any person to keep within the Town any dangerous dog, except in compliance with a permit issued by the Town Enforcement Office under section 4 below.

3. **Complaints of Dangerous and Vicious Dogs; Processing of Complaints.**
 - a) Verbal Complaints. Any person may make a verbal or written complaint to the Town Enforcement Officer and/or Bayfield County Humane Officer of a dog which the complainant believes to be dangerous and/or vicious. The complaint shall include sufficient information to enable the Town Enforcement Office and/or Bayfield County Humane Officer to ascertain the location and owner of the dog and shall also include the reason why the complainant believes the dog to be vicious or dangerous. In the case of a verbal complaint, the complaint shall be put in writing by the Town Enforcement Officer and/or Bayfield County Humane Officer. A copy of the complaint shall then be mailed by the Town Enforcement Officer and/or the Bayfield County Humane Officer to the owner of the dog at the owner's last known address.

 - b) Investigations. Within 10 days of the making of the complaint, the Town Enforcement Officer and/or Bayfield County Humane Officer shall undertake an investigation to determine whether the dog identified in the complaint is vicious or dangerous. Such investigation shall include an opportunity for the owner of the dog to present evidence to the Town Enforcement Officer and/or Bayfield County Humane Officer pertinent to the viciousness or dangerousness of the dog, and may include interviews with the complainant and other persons having personal knowledge regarding the dog and observations of the dog in its normal habitat.

 - c) Determinations. Upon completion of the investigation, the Town Enforcement Officer and/or Bayfield County Humane Officer shall determine whether the dog identified in the complaint is vicious or dangerous.
 - 1) If the Town Enforcement Officer and/or Bayfield County Humane Officer determines that the dog is neither vicious nor dangerous, the Town Enforcement Officer and/or Bayfield County Humane Officer shall inform the complainant and the owner of the determination, and no further action shall be taken on the complaint.

 - 2) If the Town Enforcement Officer and/or Bayfield County Humane Officer determines that the dog is vicious, the Town Enforcement Officer and/or Bayfield County Humane Officer shall put the determination in writing, as well as the reasons supporting it. The Town Enforcement Officer and/or Bayfield County Humane Officer shall then personally serve this written

determination on the owner and, in addition, shall notify the owner that the dog must be destroyed or removed from the Town. The Town Enforcement Officer and/or Bayfield County Humane Officer may issue a summons or warrant against the owner of a vicious dog and immediately impound the dog.

- 3) If the Town Enforcement Officer and/or Bayfield County Humane Officer determines that the dog is dangerous, the Town Enforcement Officer and/or Bayfield County Humane Officer shall put the determination in writing as well as the reasons supporting it. The Town Enforcement Officer and/or Bayfield County Humane Officer shall then personally serve this determination on the owner and, in addition, shall notify the owner of the requirements to keep a dangerous dog in the Town as provided by Section 4.

4. **Requirements for Keeping a Dangerous Dog in the Town of Cable.** Upon receipt of a determination by the Town Enforcement Officer and/or Bayfield County Humane Officer that a dog is dangerous, the owner may keep the dog within the Town only so long as the owner complies with the requirements set forth in this section. The requirements are as follows:

- a) That the owner obtain a Permit from the Town Enforcement Officer and/or Bayfield County Humane Officer and pay a one-time \$50 permit fee.
- b) That the owner immediately notify the Town Enforcement Officer and/or Bayfield County Humane Officer in the event the dog is loose and unconfined, has attacked or injured a human being or another animal, has been sold or given to another person, or has died;
- c) That the dog, while on the property of the owner, be confined indoors or in a securely enclosed and locked structure, suitable to prevent the entry of children and designed to prevent the dog from escaping;
- d) That the owner display one or more signs on his property which provide a clear warning to children of all ages and adults that a dangerous dog is present on the property;
- e) That, while off the owner's property, the dog be muzzled, restrained in a particular manner, or both, and the dog must be under the control of an adult;
- f) That the owner make the dog available for inspection by the Town Enforcement Officer and/or Bayfield County Humane Officer at reasonable times upon reasonable notice.

5. **Appeal.** If an owner disagrees with the Town Enforcement Officer and/or Bayfield County Humane Officer's determination that a dog is dangerous or vicious, the owner may commence an action in the Circuit Court for Bayfield County for a certiorari review of the Town Enforcement Officer and/or Bayfield County Humane Officer's determination. Such action shall be commenced within ten (10) days after the owner's receipt of the Town Enforcement Officer and/or Bayfield County Humane Officer's

determination. If no action is filed in accordance with this section, the Town Enforcement Officer and/or Bayfield County Humane Officer's determination shall be final. If the court finds any error in the Town Enforcement Officer and/or Bayfield County Humane Officer's determination which renders the determination erroneous or void, it shall remand the determination to the Town Enforcement Officer and/or Bayfield County Humane Officer for further action in accordance with the Court's determination and retain jurisdiction of the matter until the Town Enforcement Officer and/or Bayfield County Humane Officer has made a determination in accordance with the court's order.

SECTION VI. VIOLATIONS

1. **Enforcement.** This ordinance shall be enforced by the Town Enforcement Officer and/or the Bayfield County Humane Officer. Both officers shall have the power to issue citations for violations of this ordinance.

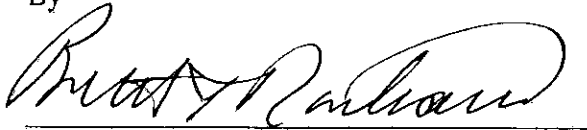
The Bayfield County Humane Officer may be engaged by contacting the Bayfield County Sheriff's Department Dispatch Center at 715-373-6120. The Bayfield County Humane Officer shall have the powers prescribed by WI. Stat. 173.07.

2. "Any person who shall violate any of the provisions of this ordinance or any regulation or order made therein shall, upon conviction, forfeit not less than \$25.00 nor more than \$100.00 for the first offense, and not less than \$200.00 for subsequent offenses of the same nature as the first offense."
3. "Any dog in violation of the provisions of this ordinance or any regulations or orders made therein may be picked up by the Town Enforcement Officer and/or the Bayfield County Humane Officer and shall be held by the Bayfield County Humane Officer at **Superior Kennel** (Animal Control Center) 2220 Lake Shore Drive West, Ashland, WI."
4. If the identity and ownership of the offending dog can be readily ascertained, the Town Enforcement Officer and/or the Bayfield County Humane Officer may forthwith advise such owner of the dog's violations. This shall not limit the authority of the Town Enforcement Officer and/or the Bayfield County Humane Officer to prosecute such owner as herein provided.
5. It is the intent of this ordinance to protect the citizens from the impact and damages caused by dogs, particularly those owned by people who fail to respect the rights of others.

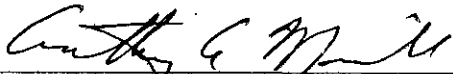
This ordinance shall be in force and take effect from and after passage and publication.

Adopted by the Town Board of the Town of Cable this 18th day of September 2019.

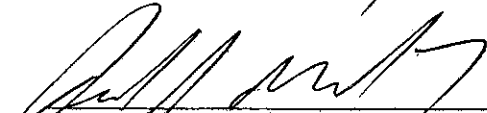
By



Brett T. Rondeau, Chairman



Attest: Anthony Merrill, Supervisor



John Radecki, Supervisor



Deanne Allen, Clerk