

# Chapter 63

## Animals

**[HISTORY: Adopted by the Town Board of the Town of Omro as indicated in article histories. Amendments noted where applicable.]**

### Article I

#### Dogs and Cats

**[Adopted 9-12-2005 by Ord. No. 2005-01]**

##### *§ 63-1 Title and purpose.*

The title of this article is the "Town of Omro Dog and Cat Ordinance." The purpose of this article is to regulate, by tag and penalty, the care, treatment and control of dogs in the Town of Omro.

##### *§ 63-2 Authority.*

- A. The Town Board of the Town of Omro has the authority under its village powers under § 60.22, Wis. Stats., and the specific authority under § 60.23(30), Wis. Stats., and Chs. 173 and 174, Wis. Stats., to adopt this article.
- B. The Town Board, by this article, adopted on proper notice with a quorum and by a roll call vote by a majority of the Town Board present and voting, provides the authority for the Town to regulate the care, treatment and control of dogs in the Town of Omro.

##### *§ 63-3 Definitions.*

As used in this article, the following terms shall have the meanings indicated:

##### **ABANDONED**

An owner has failed to pay the impoundment and care costs incurred by the Town, as specified in § 63-7C, within seven 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 RESTRICTION**

**[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**

- A. Unless otherwise specified, no premises zoned residential shall be used to harbor more than two dogs. Puppies whelped on any such premises as a result of fortuitous mating may be retained on the premises until they are six months old and shall not be taken account of in determining the number not in excess of two dogs permitted on such premises.
- B. In an agricultural district where the parcel size is greater than five acres, an occupant shall

be allowed to harbor a maximum of five dogs. Where the parcel is five acres or less, a maximum of three dogs shall be permitted. In all cases, no boarding is allowed.

**KENNEL, COMMERCIAL and ANIMAL HOSPITAL**

A commercial establishment where animal pets not part of the actual household on the lot on which the facility is located are raised, bred or boarded and/or medically treated.

**LEGAL PREMISES**

The real property owned or occupied by the owner of the dog.

**OWNER**

A person who owns, harbors or keeps the dog.

**RUNNING AT LARGE**

Off the owner's legal premises and/or not under the control of the owner or some other person.

**STRAY DOG**

A dog running at large whose owner is unknown.

**TOWN**

The Town of Omro in Winnebago County, Wisconsin.

**UNTAGGED**

A valid license tag is not attached to a collar that is kept on the dog whenever the dog is outdoors, unless the dog is securely constrained by the owner in a fenced area or confined on the owner's legal premises.

**WIS. STATS.**

The Wisconsin Statutes, including successor provisions of cited statutes.

*§ 63-4 Restrictions on dogs.*

Except as provided in § 63-5, no person may do any of the following:

- A. Allow any dog owned by that person to run at large in the Town. Dogs being "walked" must be on a leash not more than 20 feet in length.
- B. Allow any dog owned by that person to be untagged in the Town.
- C. Allow any dog owned by that person to be abandoned in the Town.
- D. Allow any dog or dogs on the legal premises 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 of the Town or its designee, after receipt of written notice from the Town Board or its designees sent to the owner of the dog or to the owner of the legal premises where the dog is kept that the noise

from the dog or dogs must be eliminated.

- E. Allow any dog owned by the person to defecate on the premises of another resident.
- F. Allow any dog owned, kept or harbored by that person to be housed or confined in a pen, enclosure or staked-out area that is not kept clean, sanitary and odor-free and with fresh, clean water available. The Animal Control Officer shall be responsible for enforcement of this subsection.
- G. Allow any dog owned by that person access to or use of any Town public building and Town public parks and recreation areas, except Seeing Eye dogs or other animals used to assist the visually impaired or law enforcement or which are certified as therapy animals.

#### *§ 63-5 Exemptions.*

- 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 land on 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 where these events have been approved by the Town Board or its designee.
- B. A dog that is used by a law enforcement agency, as defined in § 165.77(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 article. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
- C. A dog that is untagged and kept in the Town for educational or scientific purposes, as determined by the Town Board of the Town, shall not be considered untagged for purposes of this article.
- D. A dog that is untagged and is kept in the Town for the blind, deaf or mobility impaired, and certified as such, as determined by the Town Board of the Town, will not be considered untagged for purposes of this article.

#### *§ 63-6 Dog license tax.*

- A. Listing and collection officials named. The Town Board has, by this section and pursuant to §§ 174.06 and 174.065, Wis. Stats., named the Town Treasurer the listing official and collection official to list the dogs for the Town and collect the tax.
- B. Application/license. The application for the dog license, including a multiple dog license, shall include:
  - (1) A certificate of inoculation from a qualified veterinarian showing that the dog has been inoculated for rabies within two years of the application;
  - (2) The name of the owner;

- (3) The address of the owner;
- (4) The business and residential telephone number of the owner, if any;
- (5) The name of the dog;
- (6) The sex, breed, color and age of the dog;
- (7) Whether the dog is spayed or neutered.
- C. The Town Board shall annually, by resolution, set the amount of the dog license tax in accordance with § 174.05(2) Wis. Stats.
- D. The license year commences on January 1 and ends on the following December 31
- E. A late fee of \$5 shall be collected from every owner of a dog five months of age or over if the owner 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 received or collected shall be paid to the Town treasury as revenue of the Town.
- F. Number of dogs. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I)]**
  - (1) Unless otherwise specified, no premises zoned residential shall be used to harbor more than two dogs (see the definition of "animal restrictions" in § 63-3, as it pertains to puppies).
  - (2) In an agricultural district where the parcel size is greater than five acres, an occupant shall be allowed to harbor a maximum of five dogs. Where the parcel is five acres or less, a maximum of three dogs shall be permitted. In all cases, no boarding is allowed.

*§ 63-7 Enforcement; impoundment.*

- A. An officer of the Town shall attempt to capture and restrain any dog running at large or any untagged dog. The Town Board authorizes the following officers to act under this subsection: the Town Animal Control Officer or Assistant Animal Control Officer.
- B. 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's Animal Control Officer or Assistant Animal Control Officer.
- C. Notice of impoundment.
  - (1) If the identity of the owner of a dog taken into custody under this article 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, informing 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 within seven days after receipt of such notice by a dog's owner, the dog will be considered abandoned. No dog in 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.

- (2) If the identity of the owner of a dog taken into custody under this article is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray.
- D. The Town and its officers and agents shall comply with Chs. 173 and 174, Wis. Stats.
- E. All persons in the Town shall fully cooperate with the Town regarding dogs in the Town and shall answer frankly, fully and truthfully all questions of the Town relative to dog ownership, possession and the keeping of a dog or dogs within the Town.
- 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 C may be released to a person other than the owner, in accordance with § 173.23(lm)(a), Wis. Stats.; euthanized under § 173.23(lm)(c), Wis. Stats.; or released for scientific or research purposes under § 174.13, Wis. Stats.

#### *§ 63-8 Violations and penalties.*

Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this article shall, upon conviction, pay a forfeiture of not less than \$25 nor more than \$100 for a first offense and not less than \$50 nor more than \$200 for subsequent offenses, plus the applicable surcharges, assessments and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this article. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

#### *§ 63-9 Cats.*

- A. Licensing of cats is not required in the Town of Omro. Stray cats are allowed to run at will. If a cat is retained by a property owner because of injury or neglect to the cat, the owner shall call the Animal Control Officer, who shall take the cat to an animal shelter.
- B. If the cat is a nuisance, the property owner shall discourage the cat and attempt to chase the cat from their property or call the Animal Control Officer.
- C. If the property owner chooses to take the cat to an animal shelter, they shall do so at their own expense.
- D. If cats are inadvertently taken to an animal shelter, the Town Chairman or Town Clerk shall determine the appropriate action to be taken to resolve the issue.

#### *§ 63-10 Animal Control Officer.*

The Animal Control Officer shall do the following:

- A. Complete the animal control report form to keep a history of incidents;
- B. Provide the letter to owners of untagged dogs requiring dogs to be tagged within 30 days;

C. Issue notices of violations.

*§ 63-11 Severability clause.*

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

*§ 63-12 Effective date.*

A. This article is effective upon publication.

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