

31.19 ANIMAL REGULATION ORDINANCE OF DOOR COUNTY, WI

1. **Title.** This Ordinance shall be entitled "The Animal Regulation Ordinance of Door County, Wisconsin.
2. **State Statutes Adopted - Authority.** The County Board's authority for adopting this Ordinance is SS 59.07(64), 59.07(69), and 95.21(9), and Chapter 174 of the Wisconsin Statutes. This statute is hereby incorporated by reference as published in the most recent revision of the Wisconsin Statutes. Any amendments, which are from time to time made in the statutes, shall automatically be made in this ordinance.
3. **Dogs Not to Run at Large.**

No person shall own, keep or harbor any dog and permit it to run at large. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person. Any dog running at large may be impounded. Notice of the impoundment of any dog shall include its description and identification and shall be posted at the place of impoundment. Exception: Dogs kept for herding purposes or dogs hunting under supervision are not considered "running at large".
4. **Rabies Control Program**
 - a. Vaccination against rabies means the inoculation of a dog with rabies vaccine licensed by the United States Department of Agriculture provided by a person licensed to practice veterinary medicine. Except as provided in SS 174.054, Wis. Stats., the owner of a dog shall have it vaccinated against rabies within 30 days after it reaches four months of age and revaccinated again within one year after the initial vaccination. If the owner obtains the animal in Door County or brings it into this County after it has reached four months of age, the owner shall have it vaccinated against rabies within 30 days after it is obtained unless it has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner shall have the animal revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if none is stated, within three years after the previous vaccination.
 - b. At the time of vaccination, the veterinarian shall complete a certificate of rabies vaccination bearing a serial number and stating:
 - (1) the owners name and address;
 - (2) the name, age, sex, spayed/unspayed or neutered/unneutered status, breed, and color of the animal;
 - (3) the date of vaccination;
 - (4) the type of rabies vaccine administered and the manufacturer's serial number;
 - (5) the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the US Department of Health and Human Services.
 - (6) the city, village, or town where the animal is to be licensed if required by local ordinance.

- c. The original certificate of rabies vaccination shall be given to the owner of the animal vaccinated. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for that purpose until the date the immunization expires or the animal is revaccinated, whichever occurs first.
- d. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies, or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, an officer may kill the animal. An officer may kill an animal only as a last resort or with its owner's consent. An officer shall attempt to kill the animal in a humane manner, which avoids damage to the animal's head. An officer may order killed or may kill an animal, other than a dog or cat, as provided in SS 95.21(4)(b), if the officer has reason to believe the animal bit a person, or is infected with rabies and it cannot be captured. Any killed animal's head shall be prepared and packaged by a veterinarian for rabies analysis by the State Laboratory of Hygiene. An officer ordering a dog quarantined shall order it delivered to an isolation facility as soon as possible, but not later than 24 hours after the original order is issued, or an officer may order it quarantined on its owner's premises, if it is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. If a dog is ordered quarantined because there is reason to believe that it bit a person, the custodian of an isolation facility or the animal's owner, shall keep it in strict isolation under the supervision of a veterinarian for at least 10 days after the occurrence of the bite. In this paragraph, "supervision of a veterinarian" includes at a minimum, examination of an animal on the first day of the isolation, on the last day of isolation, and on one intervening day. If the observation period is not extended and a veterinarian certifies that a dog has not exhibited any symptom of rabies, it may be released from quarantine at the end of the observation period. If a veterinarian determines that a dog exhibits rabies symptoms during the original or extended observation period, the veterinarian shall notify the officer who ordered the animal quarantined and its owner, and the officer or veterinarian shall kill the animal in a humane manner, which avoids damage to the animal's head. If a dog is suspected to have bitten a person, a veterinarian shall notify the person or his or her physician. The owner of an animal is responsible for the expenses of isolation, supervision and examination by a veterinarian, and preparation of a carcass for laboratory examination. If ownership of an animal cannot be determined, such laboratory examination expenses shall be paid from the County Dog License Fund.

If an animal is known to have been bitten by or in contact with a rabid animal and it is currently immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence, it shall be leashed or confined for 60 days. The owner shall have the animal revaccinated immediately. If the animal is not currently immunized against rabies, it shall be destroyed immediately, or if the owner objects, it shall be confined in strict isolation under the supervision of a veterinarian for 180 days and vaccinated between days 155 and 165 at the sole expense of the owner. If ownership of the animal cannot be determined within seven days, the animal shall be destroyed.

- f. The Door County Sheriff's Department shall be notified of all instances of an animal biting a person, within 24 hours of the occurrence.

5. **Dog Licenses**

Except as provided in SS 174.054, Wis. Stats., the owner of a dog more than five months of age on January 1st of any year or five months of age within the license year shall annually, or on or before the date the dog became five months of age, pay the dog license fee as provided in SS 174.05, Wis. Stats., and obtain a dog license. The license year commences on January 1st and ends on the following December 31st. Evidence that the dog is currently immunized against rabies shall be presented at the time of licensing to the city, village, or town treasurer. After receipt of license fee and evidence of rabies immunization, a license shall be issued under SS 174.05 and SS 174.07, Wis. Stats. The city, village, or town treasurer shall prepare a report to the County Clerk under SS 174.08, Wis. Stats.

- a. Issuance. Upon acceptance of the license application and fee, the municipal listing or collecting agent shall issue a durable tag, stamped with an identifying number and the year of issuance.

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 - (1) Dogs shall wear dog license tags at all times, except under any organized show or training situation, or while under supervised hunting, or to a dog securely confined indoors, to a dog securely confined in a fenced area or used for herding purposes.
 - (2) No person shall transfer any license receipt or license tag issued for one animal to another animal.
 - (3) The County Clerk shall maintain a record of the identifying number of tags issued and shall make this record available to the public.

- * (Actually the Town, Village, or City Treasurer issues the dog tags and maintains the record of licenses issued for the current year. At the end of each year, the records are turned in to the County Clerk and they remain in the County Clerk's Office.)

- b. Licenses fees shall not be required for seeing-eye dogs for the blind or deaf person, or government police dogs. Every person owning such a dog shall receive annually a free dog license upon application.

- c. Kennel License Option.

- (1) Any person who keeps or operates a kennel may apply to the collecting official for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year, a statutory license tax for a kennel of 12 or fewer dogs and an additional statutory fee for each dog in excess of 12. Upon payment of the required kennel license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennel permits are also subject to County zoning ordinances.

- (2) Kennel license tags. Kennel license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of a kennel, shall keep at all times, a kennel license tag attached to the collar of each dog over 5 months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined in a fenced area, or used for herding purposes. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag, shall remain attached to the dog for which it is issued, at all times, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined in fenced area, or used for herding purposes. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel unless the dog is on a leash or temporarily out for the purpose of hunting, breeding, training, competition, or dogs used for herding purposes.
- (3) Applicability of other requirement. Unless clearly inapplicable, all the provisions of this ordinance, relating to the individual dog license tax, licenses, and tags, shall apply to the kennel license and tags.

6. Vicious or Howling Animals

No person shall own, keep, have in his or her possession, or harbor any animal within the County, which by frequent or habitual howling, yelping, barking or other continuous disturbing noise, offends the peace and quiet of the neighborhood. The provisions of this subsection shall not apply to licensed animal hospitals conducted for the treatment of small animals or to the premises used and occupied by the County for impounding animals.

- a. Petitions complaining of vicious or barking dogs or crying cats. Whenever a person shall complain to the Sheriff's Department that a dog, which habitually howls, barks or yelps, or a cat which habitually cries or howls, is being kept by any person in the county, the Sheriff's Department shall notify the owner of said dog or cat that a complaint has been received and that the person should take whatever steps are necessary to alleviate the howling, yelping or crying.
- b. If the warning given to the person alleged to be keeping a dog or cat is ineffective, then a verified complaint of at least two citizens, not from the same family, may be presented to the Sheriff's Department, alleging that a vicious dog, or a dog which habitually howls, barks, or yelps, or a cat which habitually cries or howls, is being kept by any person within the County. The Sheriff's Department shall inform the owner of such dog or cat that said petition has been received and shall cite the owner of the dog or cat for the violation alleged in said petition.
- c. Vicious Animals. The owner of any vicious animal shall keep same securely enclosed on his or her premises away from the proximity of sidewalks, paths, or alleys, and shall keep it muzzled when exercising it, except for animals used for law enforcement or security purposes.

For purposes of enforcing this ordinance, a dog shall be deemed as being of a vicious disposition if, within any 12 month period, there are two or more confirmed reports of unprovoked bites to person or persons, or it inflicts serious bodily injury to any person in unprovoked circumstances.

- d. Female Animals in Season. Any female dog in season, if not under direct supervision of owner, shall be kept confined in a building or secure kennel enclosure, veterinary hospital, or boarding kennel during the duration of such season.
- e. This section shall not apply to any licensed kennel, licensed veterinarian or to the city pound, or to livestock such as cattle, horses, geese, or chickens.

7. Apprehension and Impoundment

- a. It shall be the duty of the Town or Village Constable or other Town or Village designated official, to cause to be taken up and impounded, any dog found to be at large within the County, that is in violation of the provisions of this ordinance.
- b. No person shall knowingly allow their dog or cat to remain unclaimed at the animal shelter. If they do, they can be charged the costs of providing shelter and disposition of the animal.
- c. Any law enforcement officer may remove, shelter, and care for any animal found to be cruelly exposed to the weather, starved, or denied adequate water, neglected, abandoned, or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for, and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and an officer, or other person having possession of the animal, shall have claim for the cost of its care, keeping, medical attention, and the expense of notice.

If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or does not within 7 days after notice redeem the animal by paying the expenses incurred, it will be disposed of.

Whenever, in the opinion of an officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for an officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal.

8. Impoundment and Disposal Fees

Impoundment, boarding, and disposal fees shall be established and collected as may be determined from time to time by the designated animal shelter.

In all cases the owner, if known, shall be immediately notified and an officer or other person having possession of the animal, shall have claim for the cost of its care, keeping, medical attention, and the expense of notice.

9. Enforcement

- a. This Ordinance shall be enforced by the Town, Village, or City official. In the case of violation of this Ordinance, the designated official may immediately advise the owner of the animal of the violation, if the owner can be determined. This does not limit the authority of an officer to impound the animal immediately or to prosecute the owner as otherwise herein provided.
- b. Any unlicensed animal impounded pursuant to this Ordinance, shall be licensed and vaccinated within seven days of release. The costs of its impoundment shall be paid prior to its release.

10. Penalties

- a. All violations of this Ordinance shall be subject to the following forfeitures for each offense together with applicable penalty assessment and the taxable costs of prosecution:
 - (1) Failure to vaccinate a dog against rabies, Fifty Dollars (\$50);
 - (2) Failure to comply with an order for rabies confinement or isolation, not less than Three Hundred Dollars (\$300) nor more than One Thousand Dollars (\$1,000); and
 - (3) Failure to license a dog, not less than Thirty-Five Dollars (\$35) for the first offense and Fifty Dollars (\$50) for the second offense and Seventy-Five Dollars (\$75) for any subsequent offense.
 - (4) Penalty for negligently or otherwise permitting a dog to run at large, not less than Thirty-Five Dollars (\$35) for the first offense and Fifty Dollars (\$50) for the second offense and Seventy-Five Dollars (\$75) for any subsequent offense.
 - (5) Penalty for vicious or howling animal, not less than Thirty-Five Dollars (\$35) for the first offense and Fifty Dollars (\$50) for the second offense, and Seventy-Five (\$75) for any subsequent offense.
(Ord. 21-96; 8/27/96)
- b. After paying any costs of prosecution, the balance of any forfeitures received by the County shall be added to the County Dog License Fund to defray the costs of operation of the Animal Control Ordinance.

11. Uniform Citation Ordinance Violations

- a. Creation. Pursuant to Wisconsin Statutes Section 66.119, Door County hereby elects to use the citation method of enforcement of ordinances, including ordinances for which a statutory counterpart exists.
- b. Citation. The citation shall contain the following:
 - (1) The name and address of the alleged violator.

(2) Factual allegations describing the alleged violation.

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(3) The time and place of the offense.

(4) The section of the code violated.

(5) A designation of the offense in such manner as can readily be understood by a person making a reasonable effort to do so.

(6) The time at which the alleged violator may appear in court.

(7) A statement which in essence informs the alleged violator:

- a. That a cash deposit based on the schedule established by this section may be made, which shall be delivered or mailed to the Clerk of Courts prior to the time of the scheduled court appearance.
- b. That if a deposit is made, no appearance in court is necessary unless he or she is subsequently summoned.
- c. That if a cash deposit is made and the alleged violator does not appear, he or she will be deemed to have entered a plea of no contest, or, if the court does not accept the plea of no contest, a summons will be issued commanding him or her to appear in court to answer the complaint.
- d. That, if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.

12. Funding

Funding to administer the Animal Regulation Ordinance shall come from Door County Dog License fees and any penalties that may be collected pursuant to this ordinance. In the event that these revenues do not cover the costs of administering this ordinance, these costs shall be billed back to the municipalities on a prorated basis related to usage (number of animals admitted to the pound from a given municipality during the year). Such billing will be made at the end of the calendar year and will be payable to the County within 60 days. In the event of excess revenues, the moneys shall be returned to local municipalities in the manner stated under SS 174.09(2), Wis. Stats.

13. Liability

The County and its officers, agents, and employees shall not be liable for the death, destruction, injury, or disease of any animal impounded pursuant to this Ordinance.

14. Severability

Each section, paragraph, sentence, clause, work, and provision of this Ordinance is severable and if any portion shall be deemed unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Ordinance nor any part thereof other than the portion affected by such decision.

15. Effective Date

This Ordinance shall be effective upon passage and publication by the Door County Board of Supervisors.

(Ord. #50-90; 2/26/91) (Ord. #11-92; 3/24/92) (Ord. #21-96; 8/27/96)