

**TOWN OF WHEATON
CHAPTER 16
DOG CONTROL ORDINANCE**

SECTION I – TITLE AND PURPOSE

The title of this Ordinance is the “Town of Wheaton Dog Control Ordinance.” The purpose of this Ordinance is to regulate, by tag and penalty, the care, treatment and control of dogs in the Town.

SECTION II – AUTHORITY

The Town Board has the authority under its Village Powers under §60.22 Wis. Stats, and the specific authority under §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 – RESTRICTIONS ON DOGS

Except as provided in Section VI, no person may do any of the following:

- A. Allow any dog owned by that person to run at large in the Town.
- 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 a dog or dogs on the legal premise 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, or its designees, after receipt of written notice from the Town Board, or its designees, to the owner of the dog or to the owner of the legal premise where the dog is kept that the noise from the dog or dogs must be eliminated.

SECTION V – EXEMPTIONS FROM SECTION V COVERAGE

- 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 on land for 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 when these events have been approved by the Town Board, or its designees.
- B. A dog that is used by a law enforcement agency is defined in §165.83(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 Ordinance.

- C. A dog that is untagged and kept In the Town for educational or scientific purposes as determined by the Town Board shall not be considered untagged for purposes of this Ordinance.
- D. A dog that is untagged and is kept in the Town for the blind, deaf, or mobility impaired as determined by the Town Board shall not be considered untagged for purposes of this Ordinance.

SECTION VI – DOG LICENSE TAX

- A. The owner of a dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:
 - 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
 - 2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the dog license tax.
- B. The Town Board shall annually by resolution set the amount of the dog license tax in accordance with §174.05(2), Wis. Stats. The Town Board may issue multiple dog licenses under Wis. Stat. 174.053
- C. The license year commences on January 1 and ends on the following December 31.
- D. A late fee of \$25.00 shall be collected from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the date the dog reaches licensable age. All late fees received or collected shall be paid into the Town treasury as dog license revenue of the Town.
- E. No owner or keeper of any dog shall permit the same to run at large within the Town. A dog shall be deemed to be at large when it is off the premises of the owner or keeper, unless it is within the immediate presence of the owner or keeper and under control by means of voice command or under the control of a person by means of a chain, leash, rope, cord or like material, such person and means to be sufficient to control the action of such animal.
- F. Quantity. There shall be no more than a total of five dogs kept by any household or on any property in the Town unless approved by the Town Board.
- G. Housing dogs shall be cared for, maintained, housed and handled in a sanitary manner and so as to prevent noise, barking, fighting or howling which would disturb the peace and quiet of the neighborhood. Dogs shall be closely confined during the breeding season.
- H. Animal feces. Any person owning, keeping, possessing or harboring a dog(s) shall promptly remove and dispose of all feces left by his or her dog(s) on any public or private property which is not owned or occupied by such person.
- I. No person shall own or keep within the Town:
 - 1. Any dog ten (10) days after receipt of written notice from law enforcement that such dog is a danger to the health and welfare of the community by reason of attacks made

on persons or on other dogs. Each day which a person keeps a dog in violation of this subsection shall constitute a separate violation.

2. Any dog without taking sufficient measures to assure that the animal is cared for, maintained, housed and handled in a sanitary manner.
 3. Any dog without taking sufficient measures to prevent noise, barking, fighting or howling which would unreasonably disturb the peace and quiet of the neighborhood. The testimony of two (2) or more adult persons of different households to the effect that the noise, barking, fighting or howling of a dog identified by them has caused them great annoyance on repeated frequent occasions shall be prima facie evidence that the person owning or keeping the animal has failed to take the measures required hereby and that the result thereof has been the unreasonable disturbance of the peace and quiet of the neighborhood.
 4. Any dog which is required to be licensed but is not.
 5. Any dog which is required to be inoculated for rabies but is not.
- J. The owner or keeper of a dog shall have the dog vaccinated against rabies by a veterinarian with thirty (30) days after the animal reaches five (5) months of age and revaccinated within one (1) year after the initial vaccination if the owner or keeper obtains the dog or brings the dog into Wisconsin after the dog has reached five (5) months of age, the owner shall have the animal vaccinated against rabies within thirty (30) days after it is obtained or brought into Wisconsin unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination from Wisconsin or another State. The owner or keeper of the dog shall have it revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination in the case of dogs. No license shall be issued for any dog required to be inoculated unless the applicant exhibits a certificate of a qualified veterinarian showing that the animal has been inoculated for rabies as required hereby. The owner or keeper shall attach a rabies vaccination tag to the collar required by § 82-3D hereof to be kept on the dog except in those situations where a collar is not required as set forth in this Ordinance.
- K. Confinement. The Town Animal Control Officer shall apprehend any dog running at large within the Town, any dog kept within the Town in violation of § 82-D and any dog which has bitten any person. Any dog believed by any Health Officer, any Animal Control Officer or any representative of the Chippewa County Humane Society to be rabid or to have been in contact with any rabid animal and any dog which has bitten any person shall be confined for observation in a veterinary hospital in Chippewa County for a period of ten (10) days, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidence by a valid certificate of rabies vaccination or other evidence. A Town Animal Control Officer shall deliver the animal to confinement unless the owner or keeper thereof shall promptly do so. No person having possession of a dog which is to be confined for observation shall refuse to deliver the animal to the Town Animal Control Officer upon demand if any animal referred to herein cannot be captured, the Animal Control Officer, as a last resort or if the owner agrees, may kill the animal, attempting to do so in a humane manner which avoids damage to the animal's head. Any other animals apprehended under this Section shall be confined in a suitable place.

- L. Extended isolation. If a dog is suspected to have been in contact with a rabid animal the observation period may be extended unless the owner agrees to have the animal killed. If the dog is not currently immunized against rabies, law enforcement may order the owner or keeper to keep the animal in strict isolation for an additional one hundred eighty (180) days and the owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal. If the dog was immunized against rabies, law enforcement may order the owner to have the animal revaccinated as soon as possible and to keep the animal leashed or confined for an additional sixty (60) days. If a veterinarian certifies that the dog has not exhibited any symptoms of rabies during the extended isolation period, the animal may be released from isolation at the end of such period.
- M. Disposition of unclaimed or untagged dogs. Any dog which is not claimed by its owner or keeper is taken to the Chippewa County Humane Society.
- N. Rabid dogs. Any dog which is found to be rabid shall be destroyed in a proper and humane manner in accordance with the requirements of Ch. 174 Wis. Stats.
- O. Reclaiming owner or keeper to pay costs and post deposit. The owner or keeper shall be liable to the Town or other animal control agency for all costs and charges incurred in apprehending, keeping and caring for a dog confined pursuant to the provisions of this Section. Such costs and charges may include expenses for inoculations or other medical treatment for the animal. The owner or keeper of any dog confined hereunder may reclaim it upon payment of such costs and charges and upon posting a cash deposit pursuant to the citation issued in respect to a violation of this Chapter in accordance with Chapter One (1) Citations.
- P. Enforcement. The Town Board shall from time to time designate one (1) or more persons a full-time Town Animal Control Officer(s) to be responsible for the apprehension and confinement of dogs and as herein provided and to be paid such compensation as the Town Board shall determine by Resolution. The Town Animal Control Officer(s) shall report to and be under the supervision of the Town Chair. Each Town Animal Control Officer shall contact a Town Board Supervisor to issue a warning letter for violation of this Chapter.

SECTION VIII – TOWN AUTHORITY

- A. An authorized officer or employee 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 and employees to act under this paragraph.
- B. Law enforcement officers employed by the Town Board are authorized to take into custody animals in the Town, including dogs, under §173.13, Wis. Stats.
- C. 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 humane officer, a Town law enforcement officer or a person contracting with the Town to provide care, treatment or disposal of the dog.
- D. If the identity of the owner of a dog taken into custody under this Ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog and taken to the Chippewa County Humane Society.
- E. The Town and its officers and agents shall comply with Chapters 173 and 174, Wis. Stats.

- F. 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 keeping of dogs within the Town.

SECTION IX – PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this Ordinance shall, upon conviction, pay a forfeiture of not less than \$200 nor more than \$500, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense. In addition; the Town Board may seek injunctive relief from a Court of Record to enjoin further violations.

SECTION X SEVERABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XI – EFFECTIVE DATE

This Ordinance is effective on passage and posting or upon adoption as a Chapter in a Code of Ordinances as provided by law.

Adopted on this _____ day of _____ 2024 by Town Board.

Town Board Chair

Town Board Supervisor

Town Board Supervisor

Town Board Supervisor

Town Board Supervisor

ATTEST: Town Clerk