

ORDINANCE-2005  
LARGE ANIMAL AND ALL FOWL ORDINANCE

STATE OF WISCONSIN  
TOWN OF LUDINGTON  
EAU CLAIRE COUNTY

An ordinance establishing an Animal Control Officer and animal control regulations. The Town Board of the town of Ludington, Eau Claire County, does ordain as follows:

Section 1. Purpose. The purpose of this ordinance is to regulate large animals and all fowls as to the care, treatment and control of said animals and fowls in the Town of Ludington. To safeguard and protect property and the general public.

Section 2. Authority: The town board of the Town of Ludington has the authority under its village powers under chapters 62, 172, and 173 to adopt this ordinance.

Section 3. Adoption of Ordinance: The town board, by this ordinance, 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 animals and fowls in the Town of Ludington.

Section 4. Animal control officer. The Town Board appointed the Township Patrolman as the Local Animal Control Officer after recommendation from The Eau Claire County Humane Association. The Patrolman is certified for the position before assuming the position. The Local Animal Control Officer shall be responsible for the proper enforcement of the provisions of this Ordinance and for the enforcement of Chapters 95.21 and 951 of the Wisconsin Statutes. The Eau Claire County Humane Officer shall serve in the capacity of Humane Officer for the Town as provided in Wisconsin Statutes.

Section 5. Definitions in this ordinance:

A. Animal shall mean a living creature, not human.

B. At Large shall mean an animal off the premises of the owner. An animal or fowl shall not be deemed by this Ordinance as at large if such animal (1) is on the premises of the owner or (2) is under the control of a person competent to restrain and control the animal, either by leash, cord, or properly restrained within a fence or cage.

C. Owner means any person who owns, harbors or keeps large animals or fowls. The owner of said animals or fowls shall be held responsible and subject to penalty plus court costs if they apply.

D. Competent Person shall mean a person of such maturity as to be able to exercise control over an animal. The Circuit Court of Eau Claire County shall have concurrent jurisdiction with the Juvenile Court in proceedings against minors ages 14 and older for violations of the township code. Warnings and citations issued under this article may be issued to minors in such cases as adults may be warned or cited for the same offense.

E. Public nuisance means any animal or fowl who:

1. damages vehicles or equipment
2. damages neighbors personal property
3. is repeatedly at large

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F. Legal premise means the real property owned or occupied by the owner of the large animal or fowls.

G. Town means the Township of Ludington

H. Wis stats means the Statutes of the State of Wisconsin

**Section 6. Definitions of large animals and all fowls:**

Large animals are inclusive of horses, cattle, llamas, mules, donkeys, goats, sheep, large snakes,, raccoons, wolves, foxes (not domestic dogs), non-domestic cats and primates. Also included are all fowls including chickens.

**Section 7. Restrictions on large animals and fowls:**

No person may do any of the following:

A. Allow any large animal or fowl owned by that person to run at large in the Town.

B. Allow any large animal or fowl to be abandoned in the Town.

C. Allow any large animal or fowl to make loud noises that serve to greatly disturb an adjacent owner or occupant of land or disturb any number of persons within the Town, as determined by the Town Board .

D. Allow, cause, permit or suffer to permit a large animal or fowl to attack or kill any person or domestic animal. This ordinance applies to any owner of the offending animal, any person charged with its care, or any person providing its care. It is not a defense to a charge of violating this provision that the attacking and killing occurred all or part on premises owned, controlled or occupied by the defendant.

E. No person shall cause, urge, permit or suffer a large animal or fowl to place any person in reasonable fear of attack or injury. This ordinance does not apply to acts of animals owned by the person on whose premises the act occurs if reasonable motive is given to the public that the premises are guarded or occupied by a dangerous animal, the premises are posted against trespassing or the animal is confined within a fence or building.

F. The owner shall be liable for all damages done by the animal or fowl while at large whether or not the escape was the fault of the owner or keeper.

The construction of any fence (90.02) does not relieve an owner or keeper from liability for any damages committed by an animal or fowl described in this ordinance.

**Section 8: Noise control**

The Town board or its Local Animal Control Officer and or the Humane Association Officer after written notice from the Town Board of the Town or the Humane Association Officer to the owner of the animal or fowl or to the owner of the legal premise where the large animal or fowl is kept, that the noise from the large animal (s) or fowl(s) must be eliminated.

**Section 9. Cruelty To Domestic Animals Prohibited:**

No person or persons shall torture, torment, deprive of necessary subsistence, mutilate, cruelly beat, or cruelly kill any animal or fowl or unnecessarily fail to provide the same with proper food, drink, shelter or protection from the weather, or cruelly abandon same, or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal either maliciously, willfully or negligently.

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Any person who, as the operator of a motor vehicle, strikes a large animal or fowl shall stop at once and shall immediately report such injury or death to the owner if the ownership can be ascertained.

Section 10. Sanitary Standards:

Animals kept within private premises or dwellings shall be so maintained as not to cause a health problem to the animals, fowls or human beings. The dwellings or premises shall be so maintained as not to cause a rubbish problem, a potential rodent problem or offensive odor problems. They shall be kept a reasonable distance from human dwellings, water sources and roadways. Any person who owns or controls or shelters any animal or fowl shall clean up the feces of such animal or fowl and dispose of it in a sanitary manner.

Section 11. Parties To A Violation:

Whoever is concerned in the commission of a violation of a Town Ordinance for which a forfeiture is imposed is a principal and may be charged with and convicted of the violation although he or she did not directly commit it and although the person who directly committed it has not been convicted of the violation.

A. A person is concerned in the commission of the violation if the person directly commits the violation, aids and abets the commission of it or is a party to a conspiracy with another to commit it or advises, hires or counsels or otherwise procures another to commit it.

B. Unless otherwise specified, each day or occurrence of a violation of a Town Ordinance shall be deemed a separate offense.

Section 12. Apprehension and Impoundment.

It shall be the duty of the Local Animal Control Officer to cause to attempt and impound any large animal or fowl found to be at large. The Local Animal Control Officer and /or Humane officer have authority to determine that the animals or fowls are running at large or have committed one or more of the acts described in this ordinance. The local Animal Control Officer and the Humane Officer shall determine whether or not the large animal or fowl can be delivered to the Eau Claire County Humane Shelter. No citizen may deliver an animal to the Shelter. The Local Officer is the only person authorized to deliver an animal to the Eau Claire County Humane Shelter.

Any person finding an animal running at large may take it, but must report it either to the owner or Local Animal Control Officer. If the animal or fowl cannot be housed by the town or the Humane Association, the finder shall request all reasonable charges for the care and keeping of at large animal or fowl to be paid for by the owner or keeper of said animal or fowl. The animal or fowl is to be claimed by the owner/keeper within 5 days of notification.

Section 13. Impoundment and Disposal Fees:

Impoundment and disposal fees shall be established and collected from the large animal(s) / fowl(s) owner. The clerk shall send citations giving 5 days to collect the animal or fowl and pay the fines and or costs incurred.

No large animal(s)/fowl(s) will be returned to the owner unless the animal/fowl is properly cared for. Any costs incurred by the Town or finder are fully paid by owner or agent of owners.

Section 14. 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 \$25.00 nor more than \$150.00, plus the applicable surcharges, assessments, court costs and costs for each violation. Each day a violation exists or continues shall be considered a separate offense under this ordinance. In addition, the Town Board may seek injunctive relief from a court of record to enjoin further violations.

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**Section 15. Severability Clause:**

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

**Section 16. Effective Date:**

This ordinance is effective on publication.

The town clerk shall properly post or publish this ordinance as required under s. 60.80 Wis. stats.

Adopted this 10 day of March 2005

Signatures of Town Board

Chairman:

Gary Lil

1st. Supervisor:

Linda Burton

2nd. Supervisor:

Bill Ruff

Clerk:

Allen Stearns

**NOTES:**

Form 173.03, 173.27--Resolution and ordinance for appointment of humane officer and officer for hearing appeals.

Adopted this 10 day of March 205.