

ORDINANCE  
**DOGS RUNNING AT LARGE - *Revised***

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 dogs, by tag and penalty, the care, treatment and control of dogs 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 Statute 60.22 and the specific authority under Statutes 60.23(30) and Chapters 173 and 174 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 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 Ludington.

**Section 4. Animal Control Officer.** The Town Board appointed the Town Patrolman as the Local Animal Control Officer. 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, 174 and 951 of the Wisconsin Statutes. The Eau Claire County Humane Association Officer shall serve in the capacity of Human 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. Animal Shelter shall mean the animal shelter operation of the Eau Claire County Human Association which is the designated place for proper care of impounded animals held under the authority of this Ordinance.
- C. Abandoned means that an owner has failed to pay the impoundment and care costs incurred by the Town, as specified in Section VIII, subsection E, within 7 days after receipt of a dog's owner written notice from the Town Clerk or Local Animal Control Officer that the dog is under the care of the Local Animal Control Officer.
- D. At Large shall mean an animal off the premises of the owner. An animal licensed as required by this Ordinance shall not be deemed "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 motor vehicle or (3) is properly housed in a veterinary clinic/hospital or licensed kennel, pet shop or the designated animal shelter.

- E. 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 Town 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.
- F. Dog shall mean and include members of the canine species, male or female, altered or neutered.
- G. Legal premises means the real property owned or occupied by the owner of the dog.
- H. Owner shall mean any person(s) owning, keeping or harboring a dog.
- I. Running At Large means the owner's legal premise and not under the control of the owner or some other competent person. The owner of said animal shall be held responsible and subject to penalty plus court costs if they apply.
- J. Untagged means 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 confined by the owner in a fenced area or confined on the owner's legal premise.
- K. Wis. Stats means the Wisconsin Statutes, including successor provisions of cited statutes.

**Section 6. Restrictions on Dogs.** 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 disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any number of persons within the Town, as determined by the Town Board of the Town of its Local Animal Control Officer or the Human Association Officer after written notice from the Town board of the Town or the Human Association Officer 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(s) must be limited.
- E. Allow, cause, permit or suffer to permit a dog or other animal to attack or kill and 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 the premises owned, controlled or occupied by the defendant.
- F. No person shall cause, urge, permit or suffer a dog to place any person in reasonable fear or 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.

**Section 7. 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 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. Any person who, as the operator of a motor vehicle, strikes a dog shall stop at once and shall immediately report such injury or death to the dog's owner if the ownership can be ascertained.

**Section 8. 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 9. Apprehension and Impoundment.** It shall be the duty of the Local Animal Control Officer to cause to attempt and impound any dog found to be at large or any untagged dog. The Local Animal Control Officer and/or Humane Officer have authority to determine that the dog(s) is running at large or have committed one or more of the acts described in Sections 6 and 7. The Local Animal Control Officer, after a period of 7 days of impoundment in the Town, can deliver the dog to the Eau Claire County Humane Association shelter.

**Section 10. Impoundment and Disposal Fees.** Impoundment and disposal fees shall be established and collected from the dog(s) owner. No dog will be returned to the owner unless the dog is properly tagged and all custody, care, vaccination and treatment costs incurred by the Town are full paid by owner or agent of owners. If the owner cannot be identified, the fees shall be paid from the "DOG LICENSE FUND", Wisconsin Statute 174.09(2).

**Section 11. Dog Licensing Process.**

- A. The owner or keeper of a dog or dogs for which a license is required shall, before the first day of April of each year, request a license from the Town Treasurer or other authorized agent of the Town for each dog owned by him.
- B. A fee for each license shall be charged as provided for by Town Ordinance. Applications made on or after April 1<sup>st</sup> of each year shall be delinquent and a late fee of \$5.00 for each license shall be charged in addition to the license fee. The Town Board shall set the amount of the dog license tax in accordance with 174.05(2) Wisconsin stats and record on the Fee Schedule. All late fees shall be paid to the Town Treasurer.
- C. When requesting a license, the owner or keeper of the dog must present a veterinarian's certificate of rabies vaccination before the license may be issued.
- D. Except for dogs that are kept only for educational or scientific purposes, the owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the license tax and obtain a license.
- E. The Town Board will set the cost of the license and list on the Fee Schedule.

**Section 12. Vaccination of Dogs.** The owner of any dog(s) in the Town over the age of 5 months shall have such dog(s) inoculated by a licensed veterinarian for the prevention of rabies. The owner shall be responsible that evidence of said anti-rabies inoculation is attached to a substantial collar kept on the dog(s). The owner shall remove such evidence of inoculation when the effect of the vaccination as stated by the veterinarian expires.

**Section 13. License Tag.** Upon receipt of the required fee and the veterinarian's certificate of rabies vaccination, the Town Treasurer shall deliver or mail to the applicant, a license that shall be in the form of a metal tag.

**Section 14. Use of License Tag.** License tags shall be attached by the owner to a substantial collar, and during the term of the license, shall be at all times kept on the dog for which the license was issued. Upon expiration of license, the owner shall remove said tag from the dog.

**Section 15. Transfer or Change of Ownership.** When the permanent ownership of a dog is transferred to another resident within Eau Claire County, the Town Treasurer, upon notification, may transfer the license by notification on a license reoccur giving the name and address of the new owner.

**Section 16. Tag Not Transferrable.** A dog license tag issued for one dog shall not be transferable to another dog.

**Section 17. Duration of License.** All dog licenses shall expire on January 1<sup>st</sup> of the year following the date of issuance.

**Section 18. Exemptions to License Requirements.** The requirements of licensing dogs shall not apply to such dog if:

- A. In transit through Town only,
- B. First 30 days of residency by owner,
- C. Housed in a veterinary clinic/hospital or the designated animal shelter
- D. Housed temporarily in an animal grooming shop.

**Section 19. Kennels.** In this section, Kennel means any business enterprise which regularly engages in raising, training, buying, selling, or boarding of any species of dog for hire or profit, but in including an animal clinic/hospital.

- A. No person shall operate a kennel without first obtaining a license from the Local Treasurer. The license shall be from January 1<sup>st</sup> through December 31<sup>st</sup> each year. The license fee shall be set by the Town Board. The Kennel License shall not be transferable between persons or locations. A written application for such license shall be filed with the Town Treasurer, which shall contain the name and address of the applicant, the location of the proposed kennel, and such other information as may be required by the Town.
- B. The kennels are to be limited to no more than 25 dogs over the age of 5 months.
- C. The owner must provide proof of rabies vaccinations for each qualifying dog.
- D. The kennel including all places of confinement and all other facilities therein, shall be maintained in a clean and sanitary condition and no refuse or waste material shall be allowed to accumulate thereon which is detrimental to the animals in the kennel. All animals kept thereon shall be humanely treated and confined. Any animal having any disease shall be properly isolated and treated and shall not be sold.

E. The license may be suspended or revoked during its term for failure or refusal to comply with the provisions of this section or with any other governmental law, rule or regulation governing the keeping or protection of animals. A license may be suspended for not exceeding two days, without notice or hearing, in the event of a violation of this section which presents an immediate and extensive danger to the health, safety or welfare of persons or animals. A license may be suspended for longer than two days or revoked and the licensee shall be entitled to due notice and hearing before the Town Board.

During suspension, no sales of animals or other business or transactions involving such animals shall be performed by the licensee, but the provisions set by this section shall continue to apply to the licensed premises. Within ten days following revocation, all animals shall be humanely disposed of and no part of the license fee shall be refunded.

**Section 20. Penalty Provisions.** Any person, partnership, corporation or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay of forfeiture of not less than \$25.00 nor more than \$150, 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.

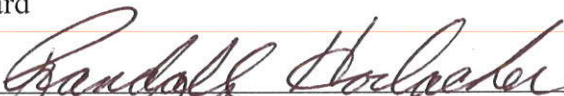
**Section 21. Severability Clause.** If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance as severable.

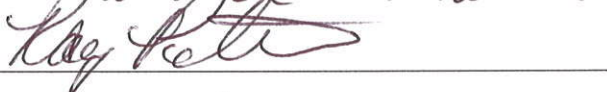
**Section 22. Effective Date.** This ordinance is effective on publication.


The Town Clerk shall properly post or publish this ordinance as required under s. 60.80 Wis. Stats.

Adopted this 15th day of October, 2013

Signatures of Ludington Town Board

Chairman – Randall Horlacher: 

1<sup>st</sup> Supervisor – Ray Peterson: 

2<sup>nd</sup> Supervisor – Bill Ruff: 

Clerk – Colleen Hawkins: 