

CHAPTER 14. ANIMAL CONTROL ORDINANCE

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CHAPTER 14. DOG ORDINANCE

SECTION 14.01 DEFINITIONS.

In this chapter, unless the context or subject matter otherwise requires:

- (1) "Owner" shall mean any person owning, harboring or keeping a dog. The occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping a dog within the meaning of this section.
- (2) "At large" means to be off the premises of the owner and not under control of some person by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.
- (3) "Regulated dog" shall mean:
 - a. The Staffordshire bull terrier breed of dog;
 - b. The American pit bull terrier breed of dog;
 - c. The American Staffordshire terrier breed of dog;
 - d. The Rottweiler breed of dog;
 - e. Any dog which had the appearance and characteristics of being predominantly of any of the above-listed breed or breeds of dogs. (Amended 9-23-08)
- (4) "Hybrid" shall mean any cross-breed resulting from the mating of a domesticated dog or a regulated dog and a wolf or coyote, or resulting from the mating of any hybrid and another hybrid, domesticated dog or regulated dog. As used herein:
 - a. Canine Animal. Includes all members of the family *canidae*, except foxes.
 - b. Domesticated Dog. *Canis Familiaris*.
 - c. Wolf. Includes both *Canis Lupus* and *Canis Niger*.
 - d. Coyote. *Canis Latrans*. (Amended 9-23-08)

SECTION 14.02 LICENSE FEES.

- (1) Annual License.

Every 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 within 30 days from the date such dog becomes five months or age, shall pay a dog license tax which is \$2.00 license fee, which is \$2.00 more than the license fee ~~in addition to that~~ prescribed by the County Board of Buffalo County, Wisconsin, from time to time, pursuant to s.174.05, Wis. Stats. ~~, in the amount of \$30.00.~~
(Amended 9-23-08)

(2) Delinquency Tax.

Any person purchasing a dog license after April 1st shall pay an additional late fee in the amount of \$2.00 over the amounts prescribed by subsection (1) of this section and Ch. 174, Wis. Stats.

~~(3) Kennel License Fee.~~

~~The additional fee set forth herein shall also apply to the issuance of kennel licenses.~~ (Repealed 1-11-05)

SECTION 14.03 VIOLATIONS OF OWNING, HARBORING AND KEEPING OF DANGEROUS ANIMALS.

- (1) It shall be unlawful for any person within the City limits of Mondovi to own, harbor and keep:
- (a) Any regulated dog, except any regulated dog registered with the City on the day this section becomes effective, and kept in accordance with the standards and requirements set forth in section (2) below; (amended 9-23-08)
 - (b) Any hybrid, except any hybrid registered with the City on the day this section becomes effective and kept in accordance with the standards and requirements set forth in section (2) below; (amended 9-23-08)
 - (c) Any dog which habitually pursues any vehicle upon any public street, alley, or highway in the City;
 - (d) Any dog which assaults or attacks any persons;
 - (e) Any dog which is at large within the corporate limits of the City of Mondovi;

- (f) Any dog which habitually barks or howls to the annoyance of any person or persons;
 - (g) Any dog which kills, wounds, or worries any domestic animal; or
 - (h) Any dog which is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (2) Keeping of Regulated Dogs and Hybrids. (Added 9-23-08) The provisions of subsection (1) are not applicable to parties who own, harbor and keep regulated dogs or hybrids within the City of Mondovi, provided there is full compliance with the following conditions:
- (a) Leash and Muzzle. No person shall permit a regulated dog or hybrid to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than 4 feet in length. No person shall permit a regulated dog or hybrid to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such animals may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all regulated dogs or hybrids on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such an animal from biting persons or other animals.
 - (b) Confinement. All regulated dogs or hybrids shall be securely confined indoors or in a securely enclosed and locked kennel or pen except when leashed and muzzled as provided in subsection (2)(a). All kennels or pens for regulated dogs or hybrids shall comply with the following minimum requirements:
 - (1) The first enclosure shall be constructed of not less than 9 gauge galvanized chain link fencing, with mesh openings not greater than 2 inches, which shall be securely anchored by stainless steel or copper rings, placed at intervals not greater than 6 inches apart, to a poured concrete base as

described herein. Such enclosure shall not be less than 500 square feet in area, plus 250 square feet for each additional canine animal kept therein. Such enclosure shall be the location in which any regulated dog or hybrid is primarily kept.

- (2) The first enclosure shall extend to a height of not less than 8 feet and shall be surrounded from ground level to a height of not less than 4 feet by $\frac{1}{4}$ inch galvanized mesh screening.
- (3) The first enclosure shall have a full top, which shall also be constructed of not less than 9 gauge chain link fencing with mesh openings not greater than 2 inches, and which shall be securely anchored to the sides of the enclosure. The entire base of the first enclosure shall be a poured concrete slab floor at least 4 inches thick.
- (4) The second enclosure shall consist of a securely anchored fence at least 6 feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than 6 feet from any part of the first enclosure. Said fence shall be a "vision barrier" fence, no more than 5 percent open for through vision, except, however, that the portion of said fence facing the dwelling of the owner of said animals or of the property on which they are kept shall be constructed on not less than 9 gauge chain link fencing to provide for observation of said animal. If any portion of said fence is made of wood, the finished or painted side thereof shall face outward from the first enclosure.
- (5) Both enclosures shall be kept locked with case hardened locks at all times when an animal is unattended by an adult. The first (innermost) enclosure shall have double entrance gates or doors situated and constructed in such a fashion as to prevent

an animal from escaping past an open gate or door. The gates or doors providing access to the first (innermost) enclosure shall be spring-loaded so as to shut on their own accord behind anyone entering the enclosure.

- (6) Within the first enclosure, shelter shall be provided adequate to protect the animals confined against weather extremes. The first enclosure shall be regularly cleaned to remove excreta and other waste materials, dirt and trash, in a manner adequate to minimize health hazards and avoid offensive odors.
 - (7) The above-described enclosures shall be located in the rear yard of any property on which a regulated dog or hybrid is kept, as defined in the City Zoning Code.
 - (8) All above-described enclosures shall be subject to an inspection and approval by the chief of police in order to ensure the adequacy of such enclosure and full compliance with this section of the City Code. The chief of police, in his/her sole discretion, shall determine whether the requirements of the ordinance have been satisfied.
- (c) Confinement Indoors. No regulated dog or hybrid may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.
- (d) Insurance.
- (1) All owners, harborers or keepers of regulated dogs or hybrids must provide proof of public liability insurance in the amount of Five Hundred Thousand Dollars (\$500,000) for bodily injury or death to any one person with the limit, however, of One Million Dollars (\$1,000,000) for bodily injury or death resulting from any one incident; and One Million Dollars (\$1,000,000) for

property damage resulting from any one incident, to the clerk-treasurer within 30 days of the effective date of this section.

- (2) The City of Mondovi shall be named as an additional insured under such insurance and a copy of the current enforceable policy shall be deposited with the clerk-treasurer. Such insurance policy shall provide that no cancellation of policy will be made unless 10 days written notice is first given to the clerk-treasurer.
- (e) Registration. All owners, harborers or keepers of regulated dogs or hybrids shall within 30 days after the effective date of this section, and every year hereafter, register said dog with the City of Mondovi by filing with the clerk-treasurer 2 color photographs of the animal, clearly showing the color and approximate size. There shall be a registration fee as prescribed in section 14.02(1).
- (f) Reporting Requirements. All owners, harborers or keepers of regulated dogs or hybrids must report to the clerk-treasurer, in writing, within 10 days information regarding any of the following incidents:
- (1) The removal from the City or death of a registered regulated dog or hybrid;
 - (2) The birth of offspring of a registered regulated dog or hybrid;
 - (3) The new address of a registered regulated dog or hybrid should the animal be moved within the City of Mondovi;
 - (4) If the registered regulated dog or hybrid is sold, the name and address of the new owner.
- (g) Animals Born of Registered Regulated Dogs or Hybrids. All offspring born of registered regulated dogs or hybrids within the City of Mondovi must be removed from the City within 6 weeks after the birth of said animal.

- (h) Signs. All owners, harborers or keepers of registered regulated dogs or hybrids within the City corporate limits shall, within 10 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
- (i) Failure to Comply. It shall be unlawful for the owner, harborer or keeper of a registered regulated dog or hybrids registered with the City to fail to comply with the requirements and conditions set forth in this section.
- (j) Removal; Impoundment. Whenever any person is charged with owning, harboring or keeping a regulated dog or hybrid in the City of Mondovi, which has not been registered on or before January 30, 2007, that person shall, to the satisfaction of the Court, remove said animal from the City of Mondovi until a trial on the citation has been heard. If said animal has not been so removed within 48 hours of the service of the citation, the said animal may be impounded as directed by City authorities until the trial on the citation has been heard. In that case, the owner of any such animal shall pay all expenses incurred due to such impoundment, including but not limited to the cost of shelter, food, handling and veterinary care. If it is determined by plea or trial that said animal is not registered pursuant to section 14.02(1)
- (k) Veterinary Exception. The foregoing provisions of this section shall not apply to doctors of veterinary medicine in temporary possession of regulated dogs or hybrids in the ordinary course of their practice.

SECTION 14.031 CONTROL OF DOG DEFECATION.

No owner or person having control of a dog shall permit solid fecal matter from such dog to remain on any street, alley, or other public or private property not owned or

occupied by such person but shall immediately remove the fecal matter from such property.

SECTION 14.04 DUTY OF OWNER IN CASE OF DOG BITE.

Every person who owns, harbors or keeps a dog who knows that such dog has bitten any person shall immediately report such fact to the health officer and shall keep such dog confined for not less than 14 days or for such period of time as the health officer shall direct. The owner or keeper of any such dog shall surrender the dog to the health officer or to any City police officer upon demand for examination.

SECTION 14.05 LIMITATION ON NUMBER OF DOGS.

No more than two dogs of more than 5 months of age shall be owned, harbored or kept within the corporate limits of the City of Mondovi. This section shall not apply to any veterinary clinic. ~~or duly licensed kennel.~~ (Amended 1-11-05)

SECTION 14.055 LIMITATION ON NUMBER OF CATS.

No more than three cats of more than 5 months of age shall be owned, harbored or kept within the corporate limits of the City of Mondovi. However, the City Clerk may, in said Clerk's exclusive discretion, permit and license the keeping of more than three cats by any person where all cats will be confined at all times, in space that is adequate to protect the health and safety of the animals and the human occupants and will not otherwise create a nuisance. Applications to own/harbor or keep more than three cats shall be made before April 1st of the current license year. The license year shall commence on January 1st and shall end on the following December 31st, with an annual fee of \$10.00. This section shall not apply to any veterinary clinic. Such license may be revoked at any time by the City Administrator if any condition of the license is violated. The City hereby adopts the provisions of .. 173.13 through 173.25, Wis. Stats., 2003-04, as amended from time to time, providing for the taking of custody of animals and the disposition of such animals.

SECTION 14.06 IMPOUNDING OF DOGS.

Any police officer may impound any dog found in violation of any of the provisions of this ordinance. The poundmaster shall notify the city clerk who shall notify the owner of such impoundment in the manner prescribed by s.174.046 Wisconsin Statutes. Possession of dogs impounded under this section may be obtained by paying \$5.00 to the city treasurer plus \$2.00 per day for each day or fraction thereof the dog has been so impounded. Dogs impounded for a period of seven days may be released to persons other than the owners pursuant to s.174.046(8), Wis. Stats., or may be sacrificed for humane purposes if unclaimed pursuant to s.174.046(9), Wis. Stats. (amended 7/8/97)

SECTION 14.07 KILLING OF DOGS.

The City hereby adopts the provisions of Section 174.02, Wis. Stats., 1995-96, as amended from time to time providing for the obtaining of a court order to kill a dog.
(enacted 7/8/97)

SECTION 14.08 PENALTIES.

Any person who shall violate any provisions of this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$100.00 together with the cost of prosecution and, for the second or subsequent violation within five years shall forfeit not less than \$25.00 nor more than \$200.00 together with the cost of prosecution.