

## **Title 3 Chapter 3**

### **Regulation and Licensing of Dogs**

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#### **Sec. 3-3-1 Title/Purpose**

The title of this Chapter is regulation and license of dogs. The purpose of this Chapter is to regulate the license of dogs in the interests of the public, health, safety and welfare and to keep them from being public nuisances.

#### **Sec. 3-3-2 Authority**

The Town Board of the Town of Arlington has the general authority under its Village powers to adopt this Chapter pursuant to Wis. Stats. §60.10, §60.22 and §61.34.

#### **Sec. 3-3-3 Dog License Required**

It shall be unlawful for any person in the Town to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this Chapter and § 174.05 through § 174.10, Wis. Stat., relating to the listing, licensing and tagging of same.

### **Sec. 3-3-4 License Fee**

The dog license fees are included in the Town fee schedule on file in the office of the Town Clerk.

### **Sec. 3-4-5 Late Fees**

The Town Treasurer shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.

### **Sec. 3-3-6 Change of Ownership**

If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of \$2.

### **Sec. 3-3-7 Transfer Prohibited**

No person shall use for any animal a license receipt or license tag issued for another animal.

### **Sec. 3-3-8 Kennel License Option**

The owners of kennels may opt to pay a kennel license fee of \$55 for a kennel of 12 dogs or less plus \$3 for each dog in excess of 12 in lieu of the fees provided in sub. (2) above and the Town Treasurer shall issue tags for each dog owned by kennel owners. No kennel may be located in a residential area, except by conditional use permit.

### **Sec. 3-3-9 Rabies Vaccination Required**

It shall be unlawful for any person to keep a dog in the Town which is over 5 months of age and has not received a rabies vaccination as required by §95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in §95.21(2)(f), Wis. Stats.

### **Sec. 3-3-10 Definitions**

In this section, unless the context of subject matter otherwise require, the terms used shall be defined as follows:

- (A) Owner. Any person owning, harboring or keeping a dog and the occupant of any premises on which the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.

(B) At Large. A dog which is off the premises of the owner and not under the control of some person either by leach or otherwise, but an animal within an automobile of any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.

(C) Kenel. Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.

### **Sec. 3-3-11 Restrictions on Keeping of Dogs**

It shall be unlawful for any person within the Town to own, harbor or keep any dog which:

(A) Pursues Vehicles. Habitually pursues vehicles upon any street, alley or highway.

(B) Attacks. Molests passersby or assaults or attacks any person without provocation.

(C) At Large. Molests passersby or assaults or attacks any person without provocation.

(D) Barks. Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals.

(E) Attacks Other Animals. Kills, wounds or worries any domestic animal.

### **Sec. 3-3-12 Dogs Running at Large and Untagged Dogs**

(A) Dogs Running 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, as defined in Sec. 3-3-10(B) above.

(B) Untagged Dogs. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(C) Dogs Subject to Impoundment. Peace officers shall attempt to capture and restrain any dog running at large and any untagged dog.

(D) Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall be subject to a penalty as provided in Sec. 9-3-4 of this Code.

### **Sec. 3-3-13 Duty to Report Animal Bite**

Every person, including the owner or person harboring or keeping a dog or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Sheriff.

**Sec. 3-3-14 Quarantine or Sacrifice of Animals Suspected of Biting a Person or Being Infected with Rabies**

(A) Quarantine or Sacrifice of Animal. Any peace officer may order a dog or other animal quarantined if he 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, a peace officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(B) Quarantine Order. If a quarantine is ordered, the owner of the dog shall be subject to the provisions of §95.21(5), (6) and (8), Wis. Stats.

**Sec. 3-3-15 Setting Animals at Large Prohibited**

No person shall open any door or gate of any private premises for the purpose of setting any dog or other animal at large.

**Sec. 3-3-16 Impounding and Disposition of Dogs**

(A) Impounding of Dogs. Any peace officer or other person restraining a dog running at large shall notify the Columbia County Humane Society or other agency designated by the Town Board to impound animals and take such animal to the designated agency or Town Pound, if one is established. The peace officer shall attempt to identify the dog and notify the owner and shall keep a public record of all such dogs impounded.

(B) Release of Dog to Owner or Representative. The pound may release the dog to the owner or his representative if the owner or representative:

- (1) Gives his name and address.
- (2) Presents evidence that the dog is licensed and vaccinated against rabies.
- (3) Pays the dog's boarding fee.

(C) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the pound may release the dog to a person other than the owner if such person:

- (1) Gives his name and address.

- (2) Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

### **Sec. 3-3-17 Number of Dogs Per Household Limited**

No person, except a kennel licensee, shall own, harbor or keep more than 3 dogs that are more than 5 months of age. No kennel license shall be issued in any residential district or within 100 feet of any residential district. If a total of more than 3 dogs are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of such animals. Persons who have more than 3 dogs which are licensed on the effective date of this section are exempt from the provisions of this section; however, no further licenses shall be issued until fewer than 3 dogs are owned, harbored or kept in the household.

### **Sec. 3-3-18 Penalty**

In addition to other penalties provided in this section, the following penalties are imposed:

- (A) Failure to Obtain Rabies Vaccination. A owner who fails to have a dog vaccinated against rabies, as provided in this section, shall, upon conviction, forfeit not less than \$50 nor more than \$100.
- (B) Refusal to Comply with Quarantine Order. An owner of a dog or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Town Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, be subject to a penalty as provided in Sec. 9-3-4 of this Code.