

CHAPTER VIII
SUB-CHAPTER I
DOG REGULATIONS

8.01 LICENSE REQUIRED. No person shall own, harbor or keep any dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, without complying with the provisions required under Chapter 174, Wis. Stats. and the registration of dogs as required in this ordinance.

8.02 DOG LICENSE FEES. (1) The following fees shall be due at the time of registration:

- (a) Six (\$6.00) Dollars for each male dog and each female dog.
- (b) Three (\$3.00) Dollars for each neutered male dog and each spayed female dog.
- (c) Thirty-five (\$35.00) Dollar kennel fee (\$3.00 for each dog over 12 in a kennel).

(2) Seeing Eye Dog. No fee shall be charged for a dog specially trained to lead blind or deaf persons and the owner of such dog shall receive annually a license without cost for such dog.

8.03 REGISTRATION. (1) Requirement. All dogs kept in the Town of Oneida shall be registered as to sex, breed, color, spayed or unspayed, neutered or unneutered, name of dog, name, address and phone number of the owner.

(2) Owner. Owner includes every person who owns, harbors or keeps a dog.

(3) License. At the time of such registration, such owner shall obtain a license, a duplicate copy of which shall be kept on file by the dog officer and shall pay the license fee.

(4) Dog Tag. It shall be the duty of each owner to cause a dog tag given by the town at the time of the registration to be securely attached to the dog's collar or harness and kept there at all times. A new tag with a new number shall be furnished to the licensee by the town dog officer in place of the original tag on presentation of the license and proof of the loss of the original tag.

(5) Term. The license year shall commence on January 1 and end on the following December 31.

8.04 DUTIES OF DOG OWNERS. (1) Leash. No person shall own, harbor or keep any dog which is off the premises of its owner without being securely fastened to a leash.

(2) Hunting Dog. Notwithstanding (1) above, a hunting dog while being trained for hunting or actually hunting may be without a leash provided said hunting dog is under the control of the owner or trainer.

8.05 KENNEL. Any person in the Town of Oneida who keeps five or more dogs shall obtain a kennel license.

8.06 VACCINATION. Every dog owner shall have his/her dog(s) vaccinated against rabies as required by Section 95.21 Wis. Stats., and shall present the certificate of vaccination as evidence of such vaccination to the dog officer before a dog license shall be issued.

8.07 ANIMAL CONTROL OFFICER. (1) Appointment. The town board shall appoint a animal control officer and shall set a salary of said official.

(2) Duties:

- (a) Shall insure that all dogs in the Town of Oneida are properly licensed and before licensed that said dogs have received all necessary rabies shots.
- (b) Shall seize and impound any unlicensed dog and provide a citation for failure to register said dog to the owner of said animal.
- (c) In lieu of seizure and impounding of an unlicensed dog, the Town Animal Control Officer may issue a citation to the owner requiring said owner to give proof that said dog has received its rabies shot and has been registered within five (5) days of said citation. Failure to provide proof of shots and registration shall require said dog owners to appear in court for failure to register the same.
- (d) The Town of Oneida Animal Control Officer shall along with any police officer enforce any and all provisions of the Town of Oneida Vicious Animal Ordinance.
- (e) The Town Board may issue additional rules and regulations for said animal control officer.

8.08 DOGS RUNNING AT LARGE. (1) Licensed Dog. Any licensed, unrestrained dog running at large shall be seized and impounded by the dog officer in accordance with Sec. 174.042 Wis. Stats., for no more than 24 hours, during which time the registration records shall be searched to determine ownership. Upon determination of ownership, the dog officer shall attempt to notify such owner by telephone or personally, using reasonable effort, and such dog owner shall pick up the dog before the end of the 24 hours. Said owner shall pay a Twenty-five (\$25.00) Dollar penalty to the dog officer prior to the dog officer releasing the dog to the owner.

(2) Unlicensed Dog. Any unlicensed, unrestrained dog running at large shall be seized by the dog officer and taken immediately to the county pound. The fact that a dog is without a license attached to a collar or harness shall be presumptive evidence that the dog is unlicensed, unless it affirmatively appears that a tag had been properly attached to the collar or harness of the dog and had been lost or removed without the knowledge or consent of the owner. In such event, the dog officer shall make a reasonable effort to ascertain and notify the owner. Should any owner come forth regarding said unlicensed dog, such owner shall pay a Twenty-five (\$25.00) Dollar penalty to the dog officer and also obtain a license for such dog prior to the dog officer delivering the dog over to the owner.

SUB-CHAPTER II VICIOUS ANIMALS

8.09 STATE LAWS ADOPTED. The provisions of Chapter 174, Wis. Stats., exclusive of any penalties, are adopted by reference so far as applicable.

8.10 VICIOUS ANIMAL. (1) Defined: Any animal that inflicts, bites, injures, kills, or attacks a human-being or a domestic animal on either public or private property. The following criteria are among those that could be used to define an animal as "potentially vicious":

- A. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks or any public or private property in a menacing fashion or apparent attitude to attack.
- B. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury, or to otherwise threaten the safety of human beings or domestic animals.

(2) Exception. Notwithstanding the definition of "vicious animal" above:

- A. No animal may be declared vicious if death, injury or

damage is sustained by a person who, at the time such was sustained, was committing a trespass of the land or criminal trespass of a dwelling upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects person or property.

- B. No animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing or assaulting the animal.
- C. No animal may be declared vicious if the animal was protecting or defending a human-being within the immediate vicinity of the animal from an unjustified attack or assault.
- D. No animal may be declared vicious for acts committed by said animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(3) Restraint of Vicious Animal.

- A. While on the owner's or caretaker's property, a vicious animal must be:
 - (1) Securely confined indoors.
 - (2) In a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or structure must be constructed with a chain-link fencing for all four sides and top. If the pen or structure has no bottom secured to the sides, the sides must be embedded in the ground no less than two feet, or have a concrete pad for the bottom.
 - (3) Securely leashed or chained to an immovable object with the owner or caretaker being physically present.

- B. While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a substantial chain or leash not exceeding four feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.
- C. The owner must submit to the Town Board a certificate of liability insurance showing that said owner has a liability insurance policy and at least \$50,000.00 coverage insuring the owner from personal liability for personal injuries or property damage caused by said "vicious animal". Said policy must be maintained by the owner.

(4) Warning Signs. All owners or caretakers of vicious animals shall display, in prominent places on their premises, near all entrances to the premises, signs in florescent ink with letters of not less than two inches high using the word "Warning - Vicious Animal". A similar sign is required to be posted on the kennel or pen of the animal. Signs shall be provided by the Town of Oneida.

(5) Transferring Possession of Vicious Animal. No person may sell or transfer possession of a "vicious animal" to another person without first notifying the person to whom the "vicious animal" is being sold or transferred, of the fact that such is a "vicious animal", and of any requirements imposed upon the selling or transferring party by this ordinance. No person may sell or transfer possession of a "vicious animal" to any person without first notifying the animal control officer thereof, in writing, at least three days in advance of the sale or transfer of possession.

(6) Declaration that "Animal is Vicious".

- A. The animal control officer or any law enforcement officer, empowered after conducting an investigation into the circumstances surrounding an unprovoked animal attack, is hereby empowered to declare the animal in question is vicious. The owner of the animal declared vicious hereby shall be served personally or by certified mail with return receipt with an order declaring the animal vicious. Any animal owner aggrieved by said order may petition the Town Board for a review of the order in accordance with the procedures set forth herein. Upon receipt of the petition of the aggrieved owner, the Town Board shall schedule a hearing at the next

regular meeting of the Board. In the event that the petition is received within seven (7) days of the next regular meeting, the hearing shall be scheduled at the next monthly meeting. After the hearing, the owner or keeper of the animals shall be notified in writing of the determination. If a determination is made that the animal is vicious, the owner or keeper shall comply with the provisions of this sub-section in accordance with a time schedule established by the animal control officer or the town board, but in no case more than ten (10) days subsequent to the date of determination. If the owner or keeper of the animal contests the determination, he or she may, within a reasonable time, seek review of the Town Board's decision of the Circuit Court. The aggrieved party can also seek review of the Town Board's declaration of "viciousness" upon the showing of a significant change in circumstances regarding the animal's disposition.

- B. In the event that the animal control officer or any law enforcement officer has probable cause to believe that an animal has caused serious injury to a person or persons by an attack without provocation, the officer shall request the Town Board to convey a hearing for the purpose of determining whether or not the animal in question should be impounded and destroyed by the town. The owner of the animal shall be notified of the hearing date as specified in sub-section A above and the hearing shall be conducted and the final determination made in accordance with the procedures set forth herein.

(7) Reporting of Incidents. All incidents occurring in the Town of Oneida, in which any animal bites a person, attacks or kills a domestic animal shall immediately be reported to the animal control officer or the town board by any person having knowledge of such incident.

(8) Enforcement. The provisions of this ordinance shall be enforced by the animal control officer appointed by the Town Board, or other persons authorized by the Town Board.

(9) Penalty. Any person violating any provision of this sub-chapter shall be punished by a fine of \$25.00 to \$500.00. If any violation is continued, each day's violation shall be deemed a separate violation.

**TOWN OF ONEIDA CODE OF ORDINANCES
CHAPTER VIII DOG REGULATIONS**

STATE OF WISCONSIN
Town of Oneida
Outagamie County

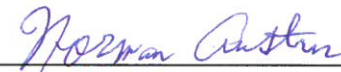
The Town board of the Town of Oneida, Outagamie County, Wisconsin, by this ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, resolves and ordains as follows:

Pursuant to s. 174.05 (5), Wis. stats., a dog late fee tax of \$5.00 from every owner of a dog of 5 months of age or over, if the owner failed to obtain a license prior to April 1st of each year, or within 30 days of acquiring ownership of licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

The license year commences on January 1 and ends on the following December 31.

This ordinance shall take effect upon passage and publication or posting as required by law.

Adopted this 9th day of December, 2015.



Norman Austin



Albert Manders



Randall Robertson



Attested: Mary Olson, Clerk/Treasurer