

**TOWN OF NEWTON
MANITOWOC COUNTY, WISCONSIN**

ORDINANCE NO. 101012

**AN ORDINANCE TO REGULATE
DOGS RUNNING AT LARGE**

SECTION I - TITLE AND PURPOSE

The title of this ordinance is the Town of Newton Dogs Running at Large Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the care, treatment, and control of dogs in the Town.

SECTION II - AUTHORITY

The Town Board has the authority under its Village powers under s. 60.22 Wis. Stats., and the specific authority under s. 60.23 (3), and Chapters 173 and 174, Wis. Stats., to adopt this ordinance.

SECTION III - ADOPTION OF ORDINANCE

This ordinance, adopted by a majority of the Town Board, with a quorum present and voting and property notice having been given, provides for the regulation of the care, treatment, and control of dogs in the Town.

SECTION IV - DEFINITIONS

In this ordinance:

- A. "Abandoned" means that an owner has failed to pay the impoundment and care costs incurred by the Town.
- B. "Law enforcement officer" means any person employed by the Town for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.
- C. "Legal premise" means the real property owned or occupied by the owner of a dog.
- D. "Owner" means a person who owns, harbors, or keeps a dog.
- E. "Running at large" means off the owner's legal premise and not under the control of the owner or some other person.
- F. "Stray dog" means a dog running at large whose owner is unknown.
- G. "Town" mean the Town of Newton in Manitowoc County, Wisconsin.
- H. "Town Board" means the board of supervisors for the Town of Newton, Manitowoc County, Wisconsin and includes a designee of the Town Board authorized to act for the Town Board.
- I. "Untagged" means a valid license tag is not attached to a collar that is kept on a 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.

- J. "Wis. Stats." means the Wisconsin Statutes, including successor provisions of cited statutes.

SECTION V – RESTRICTIONS ON DOGS

Except as provided in Section VI, 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 premises of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the Town, as determined by the Town Board, or its designee, after receipt of written notice from the Town Board, or its designee, to the owner of the dog or to the owner of the legal premises where the dog is kept that the noise from the dog or dogs must be eliminated.

SECTION VI – EXEMPTIONS FROM SECTION V COVERAGE

- A. A dog that is actively engaged in the Town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land in the Town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog-related outdoor events occurring in the Town when these events have been approved the Town Board or its designee.
- B. A dog that is used by a law enforcement agency as defined in s. 165.83 (1) (b), Wis. Stats., in the Town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- C. A dog that is untagged and kept in the Town for educational or scientific purposes as determined by the Town Board shall not be considered untagged for purposes of this ordinance.
- D. A dog that is untagged and is kept in the Town for the blind, deaf, or mobility impaired as determined by the Town Board shall not be considered untagged for purposes of this ordinance.

SECTION VII – DOG LICENSE TAX

- A. 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 become 5 months of age, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:
 - 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons are exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.

- 2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the dog license tax.
- B. The Town Board shall annually by resolution set the amount of the dog license tax in accordance with s. 174.05 (2), Wis. Stats.
- C. The license year commences on January 1 and ends on the following December 31.
- D. A late fee of \$5 shall be collected from every owner of a dog 5 months of age or over, if the owner fails 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 fails to obtain a license on or before the date the dog reaches licensable age. In addition to the late fee, every owner as described herein shall pay all costs incurred by the Town with respect to collection of the late fee including, but not limited to, notification and certified and registered mail costs, enforcement officer fees and expenses, and applicable processing fees. All late fees and costs received or collected shall be paid into the Town treasury as revenue of the Town.
- E. The owner of an unlicensed dog which is captured or restrained under this ordinance shall have seven (7) days from the date of capture or restraint to obtain a license pursuant to Section VII A – D of this ordinance, without further citation therefor, otherwise, the owner shall be subject to further citation(s) for violation.

SECTION VIII – TOWN AUTHORITY

- A. An authorized officer or employee of the Town shall attempt to capture and restrain any dog running at large or any untagged dog. The Town Board authorizes the following officers and employees to act under this paragraph: Town Enforcement Officer, Town Chairperson, any Town Supervisor, and Town Road Superintendent.
- B. Law enforcement officers employed by the Town Board are authorized to take into custody animals in the Town, including dogs, under s. 173.13, Wis. Stats.
- C. Any person, including Town officers and employees, may take into custody any dog running at large in the Town but shall timely deliver the dog to the Town Enforcement Officer, Town Chairperson, any Town Supervisor, or Town Road Superintendent, to be delivered to Lakeshore Humane Society to provide care, treatment, or disposal of the dog.
- D. The Town and its officers and agents shall comply with Chapters 173 and 174, Wis. Stats.
- E. All persons in the Town shall fully cooperate with the Town regarding dogs in the Town and shall answer frankly, fully, and truthfully all questions of the Town relative to dog ownership, possession, and keeping of dogs within the town.

SECTION IX – 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 as follows:

First offense	\$ 25.00
Second offense	\$ 50.00
Third offense	\$100.00
Fourth and additional offenses	\$200.00

plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes 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 X - SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not affect the provisions or applications of this ordinance which shall be given effect without the invalid or unconstitutional provision or application.

SECTION XI – EFFECTIVE DATE

This Ordinance shall take effect October 10, 2012.

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

Adopted this 10th day of October, 2012.

TOWN OF NEWTON

By: Kevin Behnke
Kevin Behnke, Chairperson

By: Roger Busse
Roger Busse, Supervisor

By: Mark Knorr
Mark Knorr, Supervisor

Attest: Barbara Pankratz
Barbara Pankratz, Clerk