

## Chapter 10

### ANIMALS

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**ARTICLE I. IN GENERAL****Sec. 10.100. State code adopted.**

It is expressly provided and ordained that all of the provisions of Wis. Stats. ch. 172, as amended, are incorporated by reference into this section with the same force and effect as if fully set forth.

(Code 1982, § 6.12(2))

**Sec. 10.101. Nuisance.**

The keeping or harboring of any animal or fowl that, by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the town which tend to create a disturbance is prohibited.

(Code 1982, § 4.156(1)(a), (j), (k))

**Sec. 10.102. Animal and pet establishments; offensive odors and noises.**

No owner or operator of any establishment for the care, treatment or boarding of animals in the town shall allow such establishment to be so conducted so as to permit any offensive odor or unusual odor to escape from the premises; nor shall any such owner or operator own, harbor or keep any animal on the premises that habitually barks, howls, yelps or emits other noises to the annoyance of any persons. Any such activities prohibited by this section are declared to be a public nuisance.

(Code 1982, § 6.15(1))

**Cross reference**—Businesses, ch. 18.

**Sec. 10.103. Abandonment of domestic animals.**

No person shall transport any domestic animal into the town for the purpose of abandoning the animal, and no person shall abandon any domestic animal within the town.

(Code 1982, § 6.11)

**Sec. 10.104. Partition or line fences.**

(a) *Maintenance of partition line fences.* The respective occupants of adjoining lands, used and occupied for farming or grazing purposes, and the respective owners of adjoining lands when the lands of one of such owners is used and occupied for farming or grazing purposes, shall keep and maintain partition fences between their own and next adjoining premises in equal shares so long as either party continues to so occupy the property; and such fences shall be kept in good repair throughout the year unless the occupants of the land on both sides otherwise mutually agree.

(b) *Portion of fence required to be maintained by respective owners or occupants.* Unless otherwise agreed, as evidenced by an agreement in writing made by the owners, signed, sealed and witnessed by two witnesses, or by the fence viewers in writing under their hands, which

agreement shall be recorded in the town clerk/treasurer's office, the respective occupants of adjoining lands, used and occupied for farming or grazing purposes, and the respective owners of adjoining lands when the lands of one of such owners is used and occupied for farming and grazing purposes, shall keep and maintain as his portion of the partition or line fence whenever practicable that half lying and being to his right as he faces the partition or line fence when standing on his own property or premises unless otherwise determined by the fence viewers.

(Code 1982, § 13.02(1), (2))

**Sec. 10.105. Legal fences.**

Legal fences as set out in Wis. Stats. § 90.02, as amended, and none other, are deemed and declared to be the legal and sufficient fences within the meaning of this section.

(Code 1982, § 13.02(3))

**ARTICLE II. DOGS AND CATS\***

**Sec. 10.106. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*At large* means to be off the premises of the owner and not under the control of some person, either by leash or otherwise; but a dog or cat within an automobile of its owner or in an automobile of any other person with the consent of the dog's or cat's owner shall be deemed to be upon the owner's premises.

*Owner* means any person owning, harboring or keeping a dog or cat. The occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the dog or cat within the meaning of this article.

(Ord. of 9-16-1985, § 1(1))

**Cross reference**—Definitions and rules of construction generally, § 1.101.

**Sec. 10.107. Duty of owner in cases of dog bite.**

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the designated law enforcement department and 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 the designated law enforcement officers of the town upon demand for examination.

(Ord. of 9-16-1985, § 1(6))

\***State law reference**—Dogs generally, Wis. Stats. § 174.001 et seq.

**Sec. 10.108. Number of dogs and cats limited.**

No more than two dogs and/or three cats shall be kept in or upon one residential unit or by one or more persons constituting one residential unit unless the premises is licensed as a kennel.

(Ord. of 9-16-1985, § 1(7))

**Sec. 10.109. License required.**

No person shall own, harbor or keep any dog more than five months of age without complying with Wis. Stats. §§ 174.05—174.09, relating to the licensing, listing and tagging of dogs.

(Ord. of 9-16-1985, § 1(2))

**Sec. 10.110. Restrictions on keeping dogs and cats.**

No person within the town shall own, harbor or keep any:

- (1) Dog that habitually pursues any vehicle upon any public street, alley or highway in the town.
- (2) Dog or cat that assaults or attacks any person.
- (3) Dog or cat that is at large within the limits of the town.
- (4) Dog that habitually barks or howls to the annoyance of any person.
- (5) Dog or cat that kills, wounds or worries any domestic animal.
- (6) Dog or cat known by any such person to be infected with rabies or to have been bitten by any animal known to have been infected with rabies.

(Ord. of 9-16-1985, § 1(3))

**Sec. 10.111. Animals on property of others.**

No person who has the care, custody or control of any dog or cat shall allow or permit the animal to defecate or urinate upon property not owned by such person or without such other property owner's consent or upon any public property.

(Ord. of 11-19-1990, § 8)

**Sec. 10.112. Wastes on owner's property.**

The accumulation of dog feces or wastes upon private property in the town is declared to be a public nuisance. The owner or occupant of property upon which there exists any accumulation of dog feces or wastes shall remove all such wastes from his premises and dispose of the wastes in a safe and sanitary manner within 24 hours of written notification from a designated law enforcement officer of the town to remove the wastes. Failure to do so shall be a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in section 1.109.

(Ord. of 11-19-1990, § 9)

**Sec. 10.113. Required removal of animal excreta.**

(a) The owner or person having immediate care, custody or control of any dog shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public or private property.

(b) It is unlawful for any person to permit an animal to be on public property or private property not owned or possessed by such person, unless such person has, in his immediate possession, an appropriate means of removing animal excreta.

(Ord. of 9-17-1994, § 2)

**Sec. 10.114. Impounding of dogs.**

It shall be the duty of the designated law enforcement officers of the town to impound every dog or cat found or known to be running at large within the town. The designated law enforcement officers of the town shall have the right to pursue a dog or cat upon the premises of the owner or elsewhere. Any person shall have the right to capture and deliver to the designated law enforcement officers of the town any dog or cat found running at large or trespassing upon any grounds, public or private, within the town. Impounded dogs and cats shall be dealt with pursuant to the provisions of section 10.115.

(Ord. of 11-19-1990, § 1)

**State law reference**—Authority to regulate dogs at large, Wis. Stats. § 60.23(30).

**Sec. 10.115. Claiming impounded dog or cat.**

Impounded dogs or cats shall be forthwith delivered to the county humane society by the designated law enforcement officer of the town. Any person whose dog or cat has been impounded may obtain the dog's or cat's release from the county humane society by making payment to the humane society for all of the costs, charges and/or expenses that were incurred as a result of the dog's or cat's impoundment. Every person taking a dog or cat from the humane society shall sign a receipt for such dog or cat.

(Ord. of 9-16-1985, § 1)

Chapters 11—13

**RESERVED**

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