

Town of Osceola, Fond du Lac County, Wisconsin

ANIMAL CONTROL ORDINANCE 22-2

The Town Board of Osceola, in the interest of the health and safety of town residents and pursuant to its police powers, does hereby ordain and establish an Animal Control Ordinance. This ordinance shall supersede all other animal ordinances previously established.

I. DEFINITIONS

- A. ANIMAL/PET: Every creature except a human being.
- B. ANIMAL SHELTER: Any facility operated by a humane society or a municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this or any other ordinance applicable in the town or under state law.
- C. FARM ANIMAL: Any warm blooded animal normally raised on farms in Wisconsin and used or intended for use as food or fiber or for the provision thereof.
- D. IMPOUNDMENT: The taking up of an animal by a law enforcement officer, humane or animal shelter or official, or other person in accordance with authorization under this ordinance, and the sheltering, boarding, and confinement and care of such animals as may be impounded as a result of violations of this.
- E. KENNEL: Any establishment where animals are kept for the purposes of breeding, sale, boarding, training, or sporting purposes, all or in part as a service for hire to persons other than or in addition to the kennel owner.

II. LICENSING

- A. Every owner of a dog five (5) months of age or older must obtain a license, therefore, as provided in sec. 175.05, Wis. Stats. In accordance with said statute, the minimum license fee for each neutered male or spayed female shall be \$3.00. The minimum license fee for each unneutered male or spayed female shall be \$8.00. The Town Board in its discretion as authorized by sec 174.05, Wis. Stats., may increase the license fee to an amount not to exceed the total cost to the town of all licensing, regulating, and impounding activities for the previous year. Dog license fees established by the Town Board in excess of the minimum statutory fee shall be paid to the Town Treasurer. Those fees established by the Town Board are \$5.00 for each neutered or spayed dog and

\$10.00 for each dog not neutered or spayed. In addition to the license fee established herein, a late fee of \$5.00 shall be assessed and collected from every owner of a dog over the age of five (5) months who 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 dog reaches licensable age. All late fees shall be paid to the Town Treasurer.

- B. Application for licenses shall be made to the Town Treasurer and shall include the name and address of the applicant, description of the animal, the appropriate fee, certification by a licensed veterinarian that the animal was neutered or spayed (if applicable), and certification by a licensed veterinarian that the animal has received current immunization for rabies.
- C. Licenses shall be provided for service dogs at no charge or fee.
- D. Upon acceptance of the application and payment of the required fee, the Town Treasurer shall issue a license tag to every dog in accordance with the provision of sec. 174.0, Wis. Stats. The owner shall securely attach the tag to the dog's collar in accordance with the requirements of said section.
- E. KENNELS:
 - i. In addition to the licensing option provided under sec. 174.053, Wis. Stats., every person who owns or operates a kennel shall apply for a kennel permit.
 - ii. The Town Board hereby imposes an annual kennel permit fee as follows:
 - 1. \$35.00 for a kennel of 12 or fewer dogs;
 - 2. \$3.00 for each additional dog over 12.
 - iii. Each permit holder shall, in addition to the other requirements of this ordinance and the requirements of state statutes, comply with the minimum standards of this section. Failure to comply with these standards shall be grounds for denial or revocation of a kennel permit.
 - iv. Minimum kennel standards are established as follows:
 - 1. Enclosures shall be provided for adequate protection against weather extremes. Floors, runs, and walls shall be of an impervious material to permit proper cleaning and disinfecting.
 - 2. Building temperatures shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be provided to promote health and maintain odor control.

3. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the top of the enclosure. Cages shall be of a material that permits cleaning and sanitizing. Concrete floor, unless radiantly heated, shall have bedding or resting board that allows the animal a resting place off the concrete floor.
4. Runs shall provide an adequate exercise area and protection from the weather.
5. Every dog that is five (5) months or older that is kept shall be vaccinated against rabies.
6. No dog shall be kept or accepted for boarding or training unless it has been vaccinated for distemper. Any animal that appears to be ill shall be examined by a veterinarian of the animal owner's choice, if known, or by the kennel's veterinarian.

III. CONTROL OF ANIMALS

- A. Every animal owner and every person charged with the care of or custody of an animal, shall exercise proper care and control of such animals to prevent them from becoming a public nuisance. Molesting a passerby; chasing vehicles; attacking other animals without provocation; trespassing upon public or private property in such a manner to cause damage; and excessive or continuous barking, whining, or howling shall be deemed a nuisance.
- B. No animal shall be allowed to run at large within the Town. For purposes of this section, "running at large" shall embrace all places within the town other than the premises of the animal's owner or the other person charged with the care and custody of the animal if known, or premises rented or otherwise under the direct control and possession of the owner or custodian of the animal. Any animal found running at large, regardless of known ownership, or lack thereof, may be subject to impoundment. This section shall apply to animals with known owners or custodians and to stray animals.
- C. If the owner of a dog negligently or otherwise permits the animal to run at large or be untagged (unlicensed), the owner shall forfeit \$20.00 for the first offense, \$30.00 for the second, \$40 for the third and so on, with a cap at \$200.00.

IV. VICIOUS ANIMALS

- A. No person shall own or keep any vicious animal in the Town.
- B. For the purpose of this section, “vicious” shall mean any animal with constitutes a physical threat to human beings or other animals. Any animal which, unprovoked, causes injury to a person shall be presumed to be vicious. “Vicious” also includes an animal which, while off its owners’ or keepers’ premises, attacks and injures a domestic animal.

V. GENERAL DUTY

Nothing in this Ordinance is intended to create a cause of action or claim against the Town or its officials or employees. Any duty created herein is intended to be a general duty running in favor of the public citizenry.

VI. SEVERABILITY

If any part of this Ordinance shall be held invalid, any such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Adopted this 8th day of February, 2022, by the Town Board of the Town of Osceola.

Terry Leininger

Town Chairman, Terry Leininger

Attest:

Kay Wege

Town Clerk, Kay Wege

Published this 17th day of February, 2022