

CHAPTER 303

RELATING TO THE KEEPING AND MANAGEMENT OF ANIMALS IN THE CITY

[History: Ord 303 repealed and recreated by Ord 1998-4; Ord 2008-09]

303.01 DOGS NOT TO RUN AT LARGE. No person shall permit his or her dog, whelp, puppy or bitch, or any dog, whelp, puppy or bitch which he or she may possess, or be keeping or harboring, to run at large within the city limits of the City of Richland Center.

303.15. DOGS TO BE LICENSED. Except as provided in subsection 303.07, the owner of a dog more than 5 months of age, shall, on or before the date the dog becomes 5 months of age, and on the first day of January in each year thereafter, pay the dog license tax and obtain a license for each such dog.

303.02 APPOINTMENT OF ANIMAL CONTROL OFFICER: CONTRACT FOR SERVICES.

(1) The Mayor, subject to confirmation by the Common Council, may appoint one person to be known as the Animal Control Officer, whose duties shall be as set out in section 303.03 of this chapter. The Animal Control Officer shall receive compensation for his services in such amount and in such a manner as shall be fixed, from time to time, by the Common Council.

(2) As an alternative to the appointment of an Animal Control Officer, the Common Council may contract with any private person to perform the duties of the Animal Control Officer on a contract basis, as an independent contractor, upon such terms as the Common Council may deem prudent. In the event that such a contract is entered into with a private person, no Animal Control Officer shall be appointed, notwithstanding (1). Any term of any such contract relating to costs, fees or expenses shall supersede any inconsistent term of this Chapter relating to costs, fees, or expenses.

(3) Any Animal Control Officer, or private person with whom the City of Richland V Center contracts to perform the services of Animal Control Officer, shall grant the) City of Richland Center, or its authorized representative, a continuing right to enter upon his or her premises for the purpose of assuring that reasonable standards of care and cleanliness are met, and that the animals receive adequate shelter, food, water, and veterinary care.

303.03 DUTY OF ANIMAL CONTROL OFFICER: NOTICE OF IMPOUNDED DOGS.

(1) It shall be the duty of the Animal Control Officer or private person performing pursuant to contract the duties of Animal Control Officer, to take and impound any and all animals running at large within the City of Richland Center in violation of Section 303.01.

(2) Upon taking and impounding any such animal, the Animal Control Officer, or private \ person performing pursuant to contract the duties of Animal Control Officer, shall immediately disseminate notice which accurately describes the animal so taken and impounded and setting forth the place and manner in which the owner or keeper of such animal may redeem such animal. Any animal taken and impounded by the Animal Control Officer or private person performing pursuant to contract the duties of Animal Control Officer shall be kept for a period of seven (7) days. Such Animal Control Officer shall cause the above

described notice to be published once in either the Richland Observer or the Shopping News, and broadcast at least once daily, over radio station WRCO during said seven (7) day period of impoundment.

303.04 COSTS AND FEES: DISPOSITION OF UNCLAIMED DOGS.

(1) When a dog is picked up, it shall be impounded and kept for not less than seven (7) days, unless claimed by its owner within such period. There shall be a minimum pickup fee plus a minimum board fee per day for each day the dog is impounded as established by the Common Council. In the event that the City, from time to time, shall contract with a private person for performance of the duties of Animal Control Officer, the fees set forth in such contract shall supersede the fees set forth in this section.

(2) Any dog not currently licensed shall be considered a stray dog and must be licensed by the owner before the dog can be reclaimed.

(3) If the dog is not claimed in seven (7) days as prescribed, the City shall be responsible for such pickup fee and board bill. The appointed Animal Control Officer, or private person performing pursuant to contract the duties of Animal Control Officer, shall furnish to the City a voucher setting forth a description of the dog and the date and location of pickup of the dog.

(4) After seven (7) days have elapsed, if no person has claimed the dog, and/or the dog has no visible dog license or informational dog collar, the person holding the dog may dispose of the dog as prescribed by Section 174.046(9) of the Wisconsin Statutes.

(5) If the owner refuses or fails to claim the dog, he is still responsible for the dog and "-", any associated costs incurred.

303.05 DUTIES UPON RECLAIMING DOG. Any owner of an impounded dog, upon reclaiming such dog, shall:

(1) Pay the actual costs and fees incurred by the City in picking up, impounding and keeping such dog, and advertising the fact of impoundment;

(2) Pay any veterinarian expenses incurred for treatment of such dog.

(3) Pay for an appropriate license for the impounded dog, if such license has not been acquired at the time of impoundment as outlined in Section 303.04 of this Chapter; and

(4) Either show proof that the dog has been vaccinated against rabies during the preceding two years or, in the alternative, within five (5) days after reclaiming the impounded dog, have the dog vaccinated by a licensed veterinarian and then deliver proper verification of such rabies vaccination by such licensed veterinarian to the Police Department of the City of Richland Center. Failure to comply with this section of the Chapter will subject the violator(s) to the penalty set forth in Section 303.08 of this Chapter.

303.055 DOGS, DOGHOUSES, ETC. TO BE LIMITED TO REAR YARDS. No person shall keep or maintain any dog chained or tied in the front yard or in any side yard of any lot within the City. No person shall keep or maintain any dog kennel, doghouse, dog pen or other structure designed or utilized for

the keeping of one or more dogs in any front yard or in any side yard of any lot within the City .All dogs and all dog kennels, doghouses, dog pens, or other structure designed or utilized for the keeping of one or more dogs, which are otherwise permitted uses, shall be located in the rear yard of the lot upon which they are located, kept or maintained. In the event the rear yard of the lot is unsuitable, or unavailable, then the dog owner may request a waiver permitting designation of an alternate site. The City Clerk or the Clerk's designee may issue such a waiver, if appropriate and necessary , in his or her discretion. In this paragraph, the definitions or the terms "front yard", "side yard", "lot", and "structure" shall be as set forth in Chapter 479 of the Code of Ordinances.

303.06 DUTY TO CONTROL AND CLEAN UP AFTER DOGS; VICIOUS OR DANGEROUS DOGS PROHIBITED.

(1) No dog shall be permitted to run loose within the City of Richland Center. All dogs kept or harbored in the City of Richland Center or brought into said City shall be under the physical control of the owner or of some responsible person at all times.

(2) The owner or person in possession of any dog shall prevent excessive barking, howling or loud whining of his/her dog(s).

(3) The owner or person in possession of any dog shall promptly clean up and properly dispose of any excretion by the dog(s), whether on private or public property.

(4) No person whose dog is tied or restrained shall allow the dog to have access to any public sidewalk at any time, except when said dog is leashed or under other actual physical control by the owner or some responsible person.

(5) No person shall keep, maintain or possess any dog within the City of Richland Center which is vicious or dangerous. A showing of either of the following shall constitute a prima facie showing that such animal is vicious or dangerous:

(a) The dog has on more than one occasion bitten or attacked any person or persons.

(b) The dog has caused great bodily harm to a person by attacking or biting the person harmed. "Great bodily harm" means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

(6) A dog which is vicious or dangerous is declared to be a public nuisance within the City of Richland Center. [Amended by Ord 2008-9]

303.065 LIMITATION ON NUMBER OF DOGS PER PREMISES. The occupant or occupants of any premises within the City of Richland Center shall not keep, possess or maintain on the premises more than two (2) dogs (provided, however, that the operator of a kennel may obtain a kennel license, as provided in Paragraph 303.07 below). Said two-dog limitation (is intended to impose an aggregate limit on the number of permitted dogs per premises, regardless of the number of persons occupying the premises. For purposes of this subsection, a premises is defined as any dwelling unit, community living arrangement, lot in a commercial use or in an industrial use, as those terms are defined

in Chapter 479 of the Code of Ordinances. A multi-unit housing complex is permitted to two dogs per domiciliary unit.

303.07. KENNEL LICENSE.

(1) Any person who keeps or operates a kennel, herein defined as any establishment wherein or whereon more than one dog is kept for the purpose of breeding or sale or sport purposes and where permitted by Zoning Ordinances of the City of Richland Center, may In lieu of the license tax for each dog kept on the City of Richland Center apply to the City Treasurer for a kennel license for the keeping or operating of such kennel. A kennel is defined as any place where more than two dogs are kept. For such kennel, the owner shall pay a license tax of Fifty & no/100 (\$50.00) Dollars for the license year for six or fewer dogs, and an addition Ten & no/100 (\$10.00) for each dog in excess of six dogs.

(2) In the case of any kennel license, the Treasurer shall issue a number of permits such that one of such tags can be attached to the collar of each dog over five (5) months of age kept by the licensee under a kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing any tag shall be permitted to run at large, nor be taken outside the limits of the kennel unless such dog is on a leash or under close voice control of a responsible person. All provisions of this Chapter apply fully to persons holding a kennel license under this section.

(3) Issuance of a kennel license will only be granted if the following minimum standards are sustained:

- (a) Clean kennel areas free of refuse and excrement.
- (b) A minimum space requirement of eight (8) feet by six (6) feet, when caged.
- (c) Adequate shelter .
- (d) Adequate food and water .

The Animal Control Officer, or any representative so authorized by the Common Council, shall have the right under the kennel permit to inspect and require that these minimal standards are met.

303.08 PENALTIES FOR VIOLATIONS

(1) **FORFEITURE.** Any person who shall violate or fail or refuse to comply with any section of this chapter shall forfeit to the City of Richland Center not less than \$100.00 nor more than \$400.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation.

(2) **OTHER REMEDIES.** In addition to or as an alternative to the imposition of a forfeiture, the City may in appropriate circumstances proceed against any violation or violator of this Chapter by means of injunction or other remedy available to it. Such proceeding seeking other remedies shall not be deemed waived by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be deemed a waiver of or a bar to proceeding for other remedies. **[Amended by Ord 2008-9]**