

ORDINANCE NO. 5

AN ORDINANCE TO REPEAL AND REENACT ORDINANCE #5  
REGARDING THE REGULATION OF DOGS IN THE TOWN OF OAKLAND

The Town Board of the Town of Oakland, Jefferson  
County, Wisconsin, DO ORDAIN as follows:

Section 1. Adoption of Provisions of Chapter 174, Wis. Stats.

The provisions of Chapter 174 of the Wisconsin Statutes (1987-1988 and as amended thereafter) relating to the regulation and licensing of dogs, including the definitions contained therein, are hereby adopted by the Town of Oakland and incorporated by reference so far as applicable and exclusive of penalty except as otherwise lawfully provided by Town Ordinance.

Section 2. Vaccination Requirements.

a. The owner of every dog shall have said dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the Town of Oakland after the dog has reached four (4) months of age, the owner thereof shall have the dog vaccinated against rabies within thirty (30) days of obtaining the dog or otherwise bringing it into the Town of Oakland unless the dog has already been vaccinated as evidenced by a current certificate of rabies vaccination from this state or any other state.

b. The owner of every dog shall have said dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years of the previous vaccination.

c. Every owner of a dog who resides within the Town of Oakland for a period of fourteen (14) days or greater shall be subject to this section.

d. Owners who fail to comply with this subsection may be fined under the penalties of this ordinance.

Section 3. Running at Large Prohibited.

a. No dog shall be allowed to run at large as such term is defined in Ch. 174 Wis. Stats. (1987-1988 and as amended thereafter), on the public streets, alleys, public grounds or parks within the Town nor shall dogs be allowed to run at large

upon any private property without the permission of the property owner.

b. The owner of any dog shall be responsible for the removal and disposal of any feces deposited by said dog on any public or private property, other than his own, and the failure of the owner to promptly remove and dispose of such feces shall constitute a nuisance per se.

c. Members of the police force or other persons appointed by the Town Board for that purpose are hereby authorized and empowered to kill and destroy in a summary manner all dogs running at large contrary to the provisions in this ordinance, provided however, that all such killing and destruction be done in a proper place and manner and only as a last resort as determined by the officer or other person appointed by the Town Board for this purpose.

#### Section 4. Impoundment Provisions.

a. Any dog running at large or otherwise in violation of this ordinance may be seized by the police or any other person or persons appointed by the Town Board for that purpose and may be impounded.

b. Notice of Impoundment: The owner of an impounded dog shall be notified by the Treasurer, if possible, of the fact that said dog has been seized and that it is impounded. No person shall be entitled to remove any dog so impounded without first paying the Treasurer the sum of twenty-five dollars (\$25) and having a receipt for such fee. Also, the owner or other authorized person removing an impounded dog shall be responsible for payment of any fees due and owing pursuant to this ordinance in addition to the twenty-five dollar (\$25) sum paid to the Town.

c. The provisions of Sec. 174.046, Wis. Stats. (1987-1988 or as thereafter amended), shall apply to and control all impoundments.

#### Section 5. Noisy Dogs Prohibited.

No person shall harbor or keep any dog which by growling habitually, or by frequently barking, yelping, howling, or making similar noise shall cause serious annoyance to the neighborhood or to people passing to and fro on the street or road.

#### Section 6. Vicious Dogs.

a. No person shall own, harbor or keep a vicious dog in the Town of Oakland.

b. Presumptions:

(1) Any dog which has bitten or otherwise caused personal injury to any person, where such injury is of a nature so as to require the person to obtain medical treatment or attention of any degree on two or more separate occasions, shall be presumed vicious as that term is used in this ordinance.

(2) Bodily Harm: Any dog causing bodily harm to any person shall be presumed vicious as that term is used in this ordinance. The term bodily harm shall mean physical pain or injury, illness, or any impairment of physical condition.

c. Impoundment: Where a violation of this ordinance has occurred and a citation has been issued to the owner of a dog, the Town may impound the dog forthwith pending disposition of the citation where the officer or person issuing the citation has reason to believe that the dog is a nuisance to residents of the Town of Oakland, or the dog, if not removed and impounded immediately, may subject other residents or individuals to bodily harm. Where such impoundment occurs, the Town shall be responsible for the cost of impoundment pending disposition of the citation. In the event the owner of the dog is found to have violated the terms of this ordinance as set forth in the citation, the cost of impoundment shall then be added to any penalty assessed under the provisions of Section 8 of this ordinance. Notice of such impoundment shall be given to the owner of the dog as soon as possible.

Section 7. Penalties.

a. Except as otherwise provided, any person who violates any of the provisions of this ordinance of the Town of Oakland, upon conviction of such violation, shall be subject to a penalty pursuant to Ordinance #10 of the Town of Oakland, an ordinance establishing general penalties.

b. Additional Penalty for Vicious Dogs

(1) In addition to any penalties imposed under Section 7(a), any person who owns, harbors, or keeps a dog in the Town of Oakland in violation of the section of this ordinance prohibiting vicious dogs shall be ordered to remove said dog from the Town of Oakland forthwith. In the event that the owner does not remove said dog within ten (10) days of receiving such notice to remove, he shall be fined a minimum of ten dollars (\$10) per day and a maximum of fifty dollars (\$50) per day for each day

he keeps said dog within the Town of Oakland there-  
after; and in addition

(2) Any person who owns, harbors, or keeps a dog  
in the Town of Oakland in violation of the section  
of this prohibiting vicious dogs may be ordered to  
dispose of the dog. In the event a person having  
been ordered to dispose of a dog under the terms of  
this ordinance fails to abide by that order, the  
Town may impound the dog and the cost thereof shall  
be chargeable to the owner.

Section 8. Effective Date.

This ordinance shall take effect and be in force from  
and after its passage and publication and/or posting.

Dated this 18<sup>th</sup> day of December, 1989.

TOWN BOARD, by:

Raymond C. Benson  
Town Chairman

Attest:

Evelyn J. Uebermayer  
Town Clerk

Passed: 12/18/89

Vote:

Ayes: 2 Noes: 0

Published: Dec. 21, 1989.