

TOWN OF NIAGARA
Niagara, Wisconsin
ANIMAL CONTROL ORDINANCE
Ordinance #5 (adopted 2017)

Whereby, the Town of Niagara, Marinette County, Wisconsin, does hereby adopt Ordinance #5, Animal Ordinance, for the purpose of regulating animals.

Whereas, the Town Board of the Town of Niagara, 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.

Whereas: This ordinance, once made official, supersedes all previous animal ordinances.

DEFINITIONS

Animal	Any living amphibian, reptile, exotic bird or mammal, any living vertebrate, except a human being.
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.
Farm Animals	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.
Farm dog	A dog used in the operation of the farm
Dog	Any canine, regardless of sex.
Cat	Any feline regardless of sex.
Cruel	Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
Neutered	An animal having nonfunctional reproductive organs.

Untagged Not having a valid license tag attached to collar kept on the dog or cat whenever the dog or cat is outdoors unless the dog or cat is securely confined in a fenced area.

Impoundment The taking up of any animal by an animal control officer, humane or animal shelter official, or other person in accordance with authorization under this Ordinance and the sheltering, boarding, confinement and care of such animals as may be impounded as a result of violations of this Ordinance. Impoundment shall be at such facilities available to Town of Niagara as are or may be established by the Town for the purposes of boarding, confinement and care of strays and abandoned animals and impoundment of animals under County or other Town Ordinances providing for the same.

Kennel Any establishment where animals of any age or other animals are kept for the purposes of 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, or for breeding or sale of more than 25 dogs, whether by and for the owner or for other persons.

Pet: Any animal kept for pleasure rather than utility.

Animal Control Office The Town Board may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of a town animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs. The Town Board delegates to any such animal control agent the authority to act pursuant to the provisions of this ordinance. The Town may also appoint the town Zoning Administrator or another elected town official to enforce this ordinance.

Animals running at large To be off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within and automobile of its owner, or in an

automobile of any other person with the consent of the owner of said animal, shall be deemed to be upon the owner's premises.

Hunting dogs	Dogs used for sporting purposes. Owners must follow State of Wisconsin trespassing laws.
Neglected animals	Animals not maintained in good health and physical condition as verified by a Veterinarian and veterinarian standards.
Owner	Any individual, partnership, or cooperation that has the right of property in an animal or keeps harbors, cares for, acts as custodian, or who knowingly permits an animal to remain on or about his premises/property for five or more consecutive days.
Restrain	Includes notifying the animal's owner or an animal control officer and requesting either the owner or Animal Control Officer to capture and restrain the animal, and killing the animal if the circumstances require immediate action.
Untagged	Not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the animal is securely confined in a fenced area.
Dangerous animal	One that habitually pursues any vehicle upon any public street or road in the Town. Assaults or attacks any person or destroys property. Repeatedly breaks from leash or enclosure and trespasses or defecates upon property other than that which the animal is kept. Kills wounds or worries any domestic animal. Is known by such person to be infected with Rabies or to have been bitten by an animal known to have been infected with rabies.
Vicious animal	If it bites a person in unprovoked circumstances on or off the owner's premises, inflicts serious wounds to a person including multiple bites or serious disfigurement, serious impairment of health or serious impairment of any bodily function, or kills a person or domestic animal.

GENERAL PROVISIONS

LICENSING:

- A. Every owner of any dog five months of age or older must obtain a license therefore as provided in sec. 174.05, Wis. Stats. Dog license fees shall be paid to the Town of Niagara.
- B. Application for licenses shall be made to the Town Treasurer or Clerk 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 is 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 dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons at no charge or fee.
- D. Upon acceptance of the application and payment of the required fee, the Town Treasurer or Clerk shall issue a license tag to all dogs in accordance with the provision of sec. 174.07, Wis. Stats. The owner shall securely attach the tag to the dog's collar in accordance with the requirements of said section.
- E. Fees are set by the Town Fee Ordinance.
- F. Animal shall wear a collar with identification at all times.

KENNEL PERMITS:

- A. In addition to licensing option provided under sec. 174.053, Wis. Stats., every person who owns or operates a kennel shall apply for a kennel permit.
- B. The Town Board hereby imposes a kennel permit fee which is to be established by the Town Fee Ordinance.
- C. 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.
- D. Minimum kennel standards are established as follows:
 - 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 disinfection. Building temperatures shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be provided to promote health and maintain order control. Each animal shall have sufficient space to stand up, lie down, and turn around without touching the top or sides of the enclosure. Cages shall be of a material that permits cleaning and sanitizing. Concrete

floors, unless radiantly heated, shall have bedding or a resting board that allows the animal a resting place that is off the concrete. Runs shall provide an adequate exercise area and protection from the weather.

- E. All kennels shall be separate from a dwelling.
- F. Kennel permits may be granted in A1 Agriculture, B1 Business, or F1 Forestry districts.
- G. All kennel licenses require a Use Permit.
- H. Construction plans are required for a kennel license.

HEALTH AND WELFARE:

Every dog that is five months or older that is kept shall be vaccinated against rabies. 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 promptly examined by the veterinarian of the animal owner's choice, if known, or by the kennel's veterinarian.

NUMBER OF ANIMALS LIMITED:

Animal shelters and licensed kennels excepted, no household shall keep in its possession more than a total of 10 licensable dogs or cats or combination thereof over the age of three months.

CARE AND TREATMENT OF ANIMALS:

- A. All animals shall be provided with food free from contamination and is sufficient quantity and nutritive value to meet the animal's normal daily requirements for the condition and size of the animal. All animals shall have potable water available at all times.
- B. All animals shall be provided with proper shelter and protection from the weather, veterinary care when needed for routine vaccination and when needed to prevent suffering and with humane care and treatment.
- C. No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard. Such treatment shall be deemed cruelty to animals and such animals may be impounded.
- D. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse any animal. Any animals subjected to such treatment may be impounded.
- E. Every person in charge of or control of any animal which is kept outdoors shall provide such animal with shelter meeting the minimum standards set forth in this section. The foregoing notwithstanding, in the case of farm animals, nothing in this section shall be construed as imposing shelter

requirements or standard more stringent than normally accepted husbandry practices in the Town.

F. No person shall abandon any animal in the Town of Niagara.

CONTROL OF ANIMALS:

- A. Every animal owner, and every person charged with the care 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, and trespassing upon public or private property in such a manner as to cause damage,
- B. No animal shall be allowed to run at large within the Town. For the purposes of this section, “running at large” shall embrace all places within the Town other than the premises of the animal’s owner or other person charged with 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 the lack thereof, may be subject to impoundment. This section shall apply both to animals with known owners or custodians and to stray animals.

DANGEROUS ANIMALS:

- A. No person shall allow a dangerous animal to go unconfined.
- B. No person shall allow a dangerous animal to go beyond the person’s premises unless such the animal is muzzled and is restrained by a device sufficient to prevent such an animal from harming persons or other animals.
- C. For the purpose of this section “dangerous animal” means any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of humans or other animals, or any animal which attacks a human being or other animal without provocation, plus items defined in Definitions section.
- D. Unless muzzled and restrained as required, a dangerous animal shall be securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such animal. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be imbedded into the ground no less than one foot.
- E. No person shall own or harbor any animal for the purpose of fighting, or to train, torment, badger, bait or use any animal for the purposes of causing or encouraging said animal to unprovoked attacks upon human beings or other animals.

- F. Any dangerous animal which attacks a human being or another animal and may be ordered destroyed when, in the Court's judgment, such dangerous animal poses a continuing threat of serious harm to human beings or other animals.
- G. Any person found guilty of violating this section shall receive a citation.

VICIOUS ANIMALS:

No person shall own or keep any vicious animal in the Town of Niagara. Any vicious animal which attacks a human being or another animal and may be ordered destroyed when, in the Court's judgment, such vicious dog poses a continuing threat of serious harm to human beings or other animals. Any person found guilty of violating this section shall receive a citation.

DISPLAY OF SIGNS:

The owner of a Vicious or Dangerous animal shall display a sign on the premises facing all sides of the premises, shall be visible from the roadway, stating Vicious or Dangerous animal.

FARM DOGS:

Farm dogs used for the purpose of farm duties in an active farm environment, and do not meet the requirements of Dangerous or Vicious animal, shall be exempt from any confinement regulations.

MULTIPLE DWELLINGS:

No dangerous or vicious animal shall be kept in any multiple dwelling.

LICENSE/RABIES CERTIFICATE:

All animals requiring a license shall provide proof of current license and rabies certificate.

COLLAR:

All animals requiring a license shall have a collar with license at all times off owner premises.

ANIMAL FECES:

The owner or person in charge of any domestic animal shall not permit solid fecal matter of such animal to be deposited on any public or private property unless such matter is removed in a timely manner. This does not apply to a person who is visually or physically handicapped. The owner or person in charge of any animal

must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of fecal matter.

EXOTIC ANIMALS:

Exotic animals, or animals not native to the Town of Niagara environment, shall not be released into the Town of Niagara.

INJURY TO PROPERTY:

It shall be unlawful for any person owning or possessing a domestic animal to permit such animal to go upon any private lands or premises and break, tear up, crush or injure any lawn, flower bed, plant, scrub, tree or garden in any manner whatsoever, or to defecate thereon.

EXEMPT:

Notwithstanding the forgoing, every animal specifically trained to lead blind or deaf persons, therapy animals, or to provide for mobility to impaired persons is exempt from any dog license fee and shall receive annually a free dog license upon application thereof.

IMPOUNDMENT:

- A. Any dog or other animal which is found to be unlicensed, untagged, running-at-large or otherwise in violations of this Ordinance may be taken up, detained and impounded by the Town Zoning Administrator, any Humane Officer, Constable or member of the Town Board and the same may employ such agents as they may reasonably require to assist them in these acts. Unless said animal is physically restrained on a leash, chain, enclosure, or otherwise under the control of its owner, servant or agent, or a member of the family of suitable age and discretion to provide effective physical restraint of the domestic animal.
- B. Upon the taking up or impoundment of a domestic animal, its owner shall, if known, be notified of the impoundment either in person or by certified mail, return receipt requested from postal service to verify delivery.
- C. If the owner of the domestic animal which has been taken up or impounded cannot be determined, a written notice of the impoundment shall, within 48 hours of the impoundment, be posted in three conspicuous places in the Town of Niagara, one of which shall be the Town Hall bulletin board. The notice shall be dated and shall state that if the owner does not reclaim the animal with seven days, Sundays excepted, then and in that case the animal shall be humanely dispatched.

D. Any dog impounded pursuant to this ordinance must be licensed and tagged before its release. Upon claiming the domestic animal, the owner shall reimburse the Town for the expenses of the animal's impoundment, which shall be not less than the daily impoundment fee then charged by the Humane Society. Animals picked up and returned to known owner shall be charged as per Town Fee Ordinance for time and mileage.

LIABILITY:

The Town of Niagara or its animal control agency or its designated agent shall not be liable to any person for the death, destruction, injury or disease caused to any animal that has been impounded pursuant to this ordinance.

GENERAL DUTY:

Nothing in this Ordinance is intended to create a cause of action or claim against the Town, or its officials, agents, or employees responding to the complaint. Nothing in this Ordinance is intended to create a duty on the part of any Town official, employee, or agent to take any act under this Ordinance. This Ordinance shall be construed as solely permissive where such actions are concerned.

PENALTY:

All violations shall be enforced under the Town Citation Ordinance.

FEES:

All fees are subject to the FEE Ordinance

AUTHORITY AND SEVERABILITY:

This Ordinance is adopted under the authority of Wis. Stat., Chapters 172, 173 and 174. 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.

This ordinance supersedes all previous animal ordinances upon adoption.

Adopted this 19th day of September 2017 by the Town Board of the Town of Niagara.

____ SIGNED COPY ON FILE _____
Mark DeClark (Chairman)

____ SIGNED COPY ON FILE ____
Richard Payette (Supervisor)

Attest: ____ SIGNED COPY ON FILE _____
Dawn Johnson (Clerk)

____ SIGNED COPY ON FILE _____
Ronald Neuens (Supervisor)