

## CHAPTER 6

### DOGS

#### 6.01 PUBLIC POLICY

It is hereby declared necessary in the interests of public health, safety and welfare that the keeping of dogs within the Town of Lisbon be regulated in order to prevent them from becoming public nuisances.

#### 6.02 DEFINITIONS

(a) **Domestic Animal**-Includes cats, dogs, gerbils, hamsters, ferrets, other domesticated rodents and domesticated rabbits.

(b) **Officer** – A police officer, Town Humane Officer, DNR warden or an animal control officer designated by the Town of Lisbon.

(c) **Owner** – The person, firm or entity owning, harboring, sheltering, or keeping a domestic animal. The owner or occupant of any premises on which a domestic animal remains or to which it customarily returns for a period of three days, is presumed to be harboring, sheltering or keeping such a domestic animal.

(d) **Trespasser** – A person who is not the domesticated animal's owner and who does not cohabitate or reside with the owner and who enters the owner's property without consent.

(e) **Veterinarian** – The meaning designated under Wisconsin Statutes Section 453.02(7).

(f) **Dangerous Dog** – Any individual dog that meets any of the following categories:

(1) Any individual dog which, when either unmuzzled, unleashed, or unattended by its owner, or member of the owner's family, in a dangerous or terrorizing manner, approaches any person in an apparent attitude of attack.

(2) Any individual dog which demonstrates a trait or characteristic and poses a documented history or reputation for dangerousness or unprovoked attacks upon human beings or domestic animals.

(3) Any individual dog with a known propensity or tendency to bite, attack, cause injury to, or otherwise endangers the safety of a human being or a domestic animal.

(4) Any individual dog that has been declared dangerous by any other law enforcement agency, municipality, county or state.

(g) **Vicious Dog** – Any individual dog which falls into any of the following Categories:

(1) Any dog that when unprovoked bites, inflicts harm on, cause injury to, attacks or otherwise endangers the safety of a human being or domestic animal.

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(2) Any dog with a known history of disposition to bite, attack, cause injury to, or otherwise endangers the safety of a human being or domestic animal.

(3) Any dog that has a trait or characteristic and a generally known reputation for viciousness or unprovoked attacks upon human beings or other domestic animals.

(4) Any dog that has been found to be a "Dangerous Dog" upon two separate occasions.

(h) **Exceptions to Dangerous and Vicious Dogs**

(1) No dog shall be deemed dangerous or vicious based solely upon biting, attacking or menacing any person or domestic animal in order to defend its owner, caretaker or another person or animal, its young or its food from a trespasser or an attack by a person or animal.

(2) No dog shall be considered dangerous or vicious if it is defending itself against attack from any person, animal or trespasser.

### 6.03 DOGS RUNNING AT LARGE

(a) It shall be unlawful for the owner or keeper of any dog permit the dog to run at large at any place within the Town of Lisbon unless accompanied by and under the control of the owner or keeper of the dog. For the purpose of this section, a dog shall not be deemed under control unless the dog is secured by a leash of not more than ten feet or by other restraining device. This section does not prohibit any person from allowing a dog to run at large upon premises owned or occupied by the owner or keeper of the dog.

(b) **Confinement of Dogs** - The Town Police Department has the authority to apprehend any dog running at large within the Town of Lisbon not on the premises of its owner or keeper and not accompanied or under the control of the owner or keeper and cause the same to be confined in a suitable shelter.

(c) **Disposition of Unclaimed Dogs** - The keeper of the shelter where any dog is confined pursuant to the terms of this chapter shall keep all dogs apprehended as herein before provided for the period of 7 days and if any dog is not reclaimed by the rightful owner within such time, it may be disposed of in a proper and humane manner.

(d) **Owner or Keeper to Pay Cost**

(1) The owner or keeper of any dog so confined may reclaim such a dog at any time before the same is disposed of as herein provided, upon obtaining a license for said dog as required in Section 6.04 of this code, in the event such dog does not have a current license, and upon payment of all costs and charges incurred in the apprehension, keeping and care of the dog. Costs and charges incurred in the apprehension, keeping and caring for any dog, shall be determined as follows:

\$ 25.00 – first offense

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\$ 50.00 – second offense within a twelve month period

\$100.00 – third offense within a twelve month period

These assessments shall be retained by the town as reimbursement to the town for costs incurred in apprehending, keeping and caring for the dog. In addition, the owner or keeper shall pay all charges made by the shelter for the care of the dog and any expenses for inoculations or other medical treatment of the dog. Payment of such fees and expenses shall be made to the Town Treasurer or to the keeper of the shelter before the dog is released.

In the event such payment is made to the keeper of the shelter, the amount due to the town for the apprehension of said dog shall be paid by the keeper of the shelter to the Town Treasurer.

Any owner or keeper of any dog who does not reclaim said dog as herein provided shall nevertheless be required to pay all fees and expenses for the apprehension and care of said dog as provided in this section.

(2) If the owner of a dog permits the dog to be untagged the owner shall forfeit \$50 for the first offense and \$100 for the second and subsequent offenses.

(e) **Disposition of Injured or Sick Dogs** - The Police Department shall have the right to destroy any dog in a humane manner without the confinement thereof as provided in subsection (a) above,

which dog in the opinion of the Police Officer is injured or sick to the extent that the death of the dog is imminent.

#### **6.04 DOG LICENSE**

(a) Every owner or keeper of a dog 5 months of age or more on January 1 of any year shall, at the time and in the manner provided by law for the payment of personal property taxes as provided in Section 174.05, Wisconsin Statutes, pay a dog license fee and obtain a license therefore as required by the Wisconsin Statutes. The owner or keeper of a dog which becomes 5 months of age after January 1 of any license year shall, within 30 days after such dog becomes 5 months of age, pay a dog license fee and obtain a license therefore as required by the Wisconsin Statutes. The license fee shall be \$9 for neutered males and spayed females and \$14 for unneutered males and unspayed females, or one-half of these amounts if the dog becomes 5 months of age after July 1 of the license year. Any license fee for a dog which is not paid when due, shall be doubled for each dog which is licensed late.

(b) It is unlawful for the owner of a dog to allow a dog to be untagged. A dog is considered untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area. Any untagged dog is subject to the penalties as set forth in 6.03(4) (b)

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#### **6.05 KENNEL LICENSE FEE**

A fee of \$50 plus \$1 rabies control charge for each dog shall be paid each year by the operator of a kennel license within the Town of Lisbon. Such fee shall be paid at the time that dog license fees are due, and subject to the same penalty provision contained in Section 6.03 if paid late.

#### **6.06 CARE AND MAINTENANCE OF ANIMALS**

(a) **Standard Care** – Any animal kept by any person shall be cared for, maintained and handled in a manner which shall be sanitary and ensures the sanitary and healthy condition of the animal.

(b) **Food and Water** – No person owning or having custody of any animal shall neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal in good health.

(c) **Shelter** – No person shall fail to provide any animal in his or her charge with shelter from inclement weather to insure the protection of the animal. When sunlight is likely to cause heat exhaustion to any animal tied or caged or kept outside, shade shall be provided by a natural or artificial means to allow protection from the direct rays of the sun. When weather conditions could adversely affect the animal's health, a shelter of suitable size and protection shall be provided. Animals kept outdoors for more than one hour at a time must be provided with moisture proof and wind proof shelter of a size which allows the animal to keep clean and dry during adverse weather conditions.

(d) **Sanitary Conditions** – Sanitation for indoor and outdoor enclosures, yards and areas where dogs are kept shall include periodic cleaning to remove excrement or other waste materials, dirt and trash so as to minimize the potential health hazard.

#### **6.07 DANGEROUS AND VICIOUS DOGS**

(a) **Ownership or possession of a vicious dog is prohibited** – It shall be unlawful for any person to keep or maintain a vicious dog within the Town of Lisbon.

(b) **Restrictions on Dangerous Dogs** – No person shall keep or maintain a dangerous dog within the Town of Lisbon unless such dog is at all times kept in an enclosure. The only time that a dangerous dog may be allowed out of the enclosure is to obtain veterinary care, properly leashed and under the direct control and supervision of the owner of the dog.

(c) **Previously Declared Vicious Dog** – It shall be unlawful for an owner of a dog declared vicious in another municipality, county or state to bring such dog into the Town of Lisbon.

(d) **Prohibition Against Selling or Transferring** – It shall be unlawful to sell or give away or transfer ownership of a dangerous or vicious dog without advising the Police Department in writing of the sale or transfer.

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(e) **Posting of Sign** – The owner of a dangerous dog shall display in a prominent place on his or her premises a warning sign in letters no less than three inches high, stating that there is a dangerous dog on the premises. Further a sign displaying a symbol of a dangerous dog intended to warn children must also be posted. The sign shall be clearly visible from any public property, street or highway adjacent to the premises.

(f) **Required Notification by Owner** – The owner of a dangerous or vicious dog shall immediately notify the police department if the dog escapes or has attacked another animal or human being.

## **6.08 DECLARATION OF DANGEROUS OR VICIOUS DOG**

(a) **Declaration of Dangerous or Vicious Dog** – If an officer determines that a dog is dangerous or vicious as defined in this Chapter, he or she may declare the dog to be such formally. The officer shall immediately inform the owner as soon as practicable in writing, by personal service or certified mail.

(b) **Hearing** – If an owner contests the designation or declaration of the dog as dangerous or vicious, the owner may request a hearing in writing within thirty days of issuance of the notice. Any interested party may present evidence as to whether the dog is dangerous or vicious. The hearing shall be held within thirty days of the request for hearing before the Lake Country Municipal Court. Hearing costs to be borne by the dog owner.

(c) **Appeal** – The owner may contest the determination of the hearing by appealing to the circuit court in accordance with Wisconsin Statutes section 66.0114. An appeal will not stay the officer's order.

## **6.09 RESTRAINT AND CONFINEMENT OF DANGEROUS DOGS**

The Police Department may determine conditions to be placed on an owner of a dangerous dog, including, but not limited to, the following:

(a) **Enclosure, Pen or Confinement** – The dog shall be securely confined indoors or in a securely enclosed and locked pen or similar enclosure on the premises of the owner except when leashed or muzzled.

(b) **Leash** – An owner of a dangerous dog may not permit the dog to go outside of its kennel or pen unless the dog is securely leashed on a leash no more than four feet in length, the leash is held by a person competent to govern the animal who is in physical control of the leash. The leash can not be attached to an inanimate object.

## **6.10 LIMITATION ON NUMBER OF CATS AND DOGS**

To keep, maintain, shelter lodge or be in possession of more than a total of five cats or five dogs or a combination thereof not to exceed a total of seven animals over the age of three months, in any residence, apartment, mobile home, or residential yard within the Town of Lisbon is deemed a public nuisance and the same is prohibited.

## 6.11 ANIMAL WASTE

(a) **Waste Removal** - The owner or person having immediate control of an animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public property or private property not owned by such person.

(b) **Proof of Intent to Remove Waste** - It shall be unlawful for any person to permit a dog or cat to be on such property, public or private, not owned or possessed by such person, unless such person has, in his/her immediate possession, an appropriate means of removing animal excreta. This shall not be applicable in cases in which a person is being assisted by a Seeing Eye dog.