

TOWN OF WAUPUN
FOND DU LAC COUNTY, WISCONSIN

ANIMAL CONTROL ORDINANCE

The Town Board of the Town of Waupun, 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.

Section 1. Definitions

- A. Animal. Every living, warmblooded 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 purposes 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 warmblooded 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 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 residents or Fond du Lac County residents as are or may be established by the Town or the County for the purposes of boarding, confinement and care of strays and abandoned animals and impoundment of animals under County or other Towns' Ordinances providing for the same.
- E. Kennel. Any establishment where dogs or other 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.
- F. Pet. Any animal kept for pleasure rather than utility.

Section 2. Care and Treatment of Animals

- A. All animals shall be provided with food free from contamination and in 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 in any animal shelter available to Town residents.
- 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 standards more stringent than normally accepted husbandry practices in the Town.
 - (1) All animals shall be provided with a moisture-proof shelter made of a durable material and suitable in size to accommodate the animal and allow for retention of body heat. The shelter shall have a floor raised at least 2 inches off the ground. During the months of September through April, inclusive, the shelter shall have an entrance covered by a self-closing swinging covering or an "L" shaped entrance to prevent the wind from blowing directly into the shelter. During said months, the shelter shall be provided with a sufficient quantity of suitable bedding material to provide insulation and protection against cold and dampness and promote the retention of body heat.
 - (2) During the months of May through September, inclusive, and at any other such times when sunlight is likely to cause heat exhaustion, all animals shall be provided with shade by natural or artificial means from the direct rays of the sun.
- F. No person shall abandon any animal.

Section 3. 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, trespassing upon public or private property in such a manner as 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 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.

Section 4. Dangerous Dogs

A. No person shall allow a dangerous dog to go unconfined.

B. No person shall allow a dangerous dog to go beyond the person's premises unless such dog is muzzled by a device sufficient to prevent such dog from biting persons or other animals and restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding four feet in length.

C. For the purposes of this section, "dangerous dog" means any dog 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 dog which attacks a human being or other animal without provocation.

D. A dangerous dog is unconfined if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. 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 dog for the purpose of dog fighting, or to train, torment, badger, bait or use any dog for the purposes of causing or encouraging said dog to unprovoked attacks upon human beings or other animals.

F. The provision of this section shall apply to adult dogs only, which shall mean any dog over the age of six months.

G. Any person convicted of violating the provisions of this section shall forfeit an amount not less than \$100.00 nor more than \$1,000.00 or in lieu thereof be imprisoned in the Fond du Lac County Jail for a term not to exceed 90 days. Each day of violation shall constitute a separate offense.

H. Any dangerous dog which attacks a human being or another animal may be ordered destroyed when, in the Court's judgment, such dangerous dog poses a continuing threat of serious harm to human beings or other animals.

Section 5. Vicious Animals

- A. No person shall own or keep any vicious animal in the Town.
- B. For the purposes of this section, "vicious" shall mean any animal which constitutes a physical threat to human beings or other animals. An animal which, unprovoked, bites 2 persons within a 12-month period shall be presumed to be vicious.
- C. The species of dog commonly known as the "pit bull" is considered by its nature and actions to be a danger to the public and is hereby declared to be a vicious animal. No person shall own or keep a "pit bull" in the Town. Any person owning or keeping a "pit bull" shall be subject to the provisions and penalties set forth in Section 4, above.

Section 6. General Duty

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

Section 7. Penalty

Except as otherwise specifically provided herein, any person convicted of a violation of any provision of this Ordinance shall forfeit an amount not less than \$_____ nor more than \$_____. Each day of a violation shall constitute a separate offense. In addition to all other remedies and penalties, any person convicted of a violation of any portion of this Ordinance pertaining to the care and treatment of animals shall have the license to own, keep, harbor or have custody of animals revoked and no new license shall be issued for a period of one year.

Section 8. 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 _____ day of _____, 20____ by the Town of Board of the Town of Waupun.

Randy Vande Slunt, Town Chairperson

Attest:

Paula Vande Zande, Town Clerk