

TOWN OF PLEASANT VALLEY

Eau Claire County

ORDINANCE NO: 21-15-02
CHAPTER 12 – PUBLIC SAFETY
ARTICLE – TOWN ANIMAL CONTROL

SECTION 12.1 TITLE.

This ordinance shall be known as the Animal Control Ordinance of the Town of Pleasant Valley.

SECTION 12.2 STATE STATUTES ADOPTED - AUTHORITY.

The Town Board of the Town of Pleasant Valley is granted authority for adopting this ordinance under §§60.22 and 95.21 and Chapters 172, 173, 174 and 951, Wis. Stats. These statutes are hereby incorporated by reference as published by the most recent revision of the Wisconsin Statutes. Any amendments, which are from time to time made in the statutes, shall automatically be made in this ordinance.

SECTION 12.3 PURPOSE

This ordinance purpose is to protect the health, safety and well being of persons, to promote humane treatment of all animals and to reduce the hazard, nuisances and conflicts between residents in the Town of Pleasant Valley by establishing animal control laws and rabies control measures; designating animal isolation and impoundment procedures; and providing for an animal control officer and a method of enforcement.

SECTION 12.4 DEFINITIONS

- (1) “Animal” means a lower animal distinguished from humans, and being either domestic or wild.
- (2) “Animal Shelter” means the animal shelter operation of the Eau Claire County Humane Association which is the designated place for the proper care of impounded animals held under the authority of this ordinance.
- (3) “At Large” means an animal off the premises of the owner. An animal properly licensed as required by this ordinance shall not be deemed at large if such animal (a) is on the premises of the owner; (b) is under the control of a person competent to restrain and control the animal, either by leash, cord, chain or other similar restraint not more than ten (10) feet in length or properly restrained within a motor vehicle; or (c) is properly housed in a veterinary hospital or licensed kennel, pet shop or the designated animal shelter.
- (4) “Cat” means all members of the felis domestic’s species, male or female, altered or unaltered.
- (5) “Dog” means all dogs, male or female, altered or unaltered.
- (6) “License Year” shall mean January 1 to December 31 in accord with §174.05(4), Wis. Stats.
- (7) “Owner” is intended to mean any person or persons owning, keeping or harboring a dog, cat, horse or other domestic animal.
- (8) “Vaccination” means vaccination or re-vaccination against rabies by inoculation of a dog with a rabies vaccine approved of by the United States Department of Agriculture.

SECTION 12.5 CONTROL OF ANIMALS

A) Running at Large Prohibited - No person shall own, keep or harbor any animal and permit it to **“run at large”**. (See section 12.4(3)). Any animal found running at large, regardless of known ownership or the lack thereof, is subject to impoundment. This section shall apply both to animals with known owners as well as to stray animals. Dogs kept for herding purposes or dogs hunting, while under supervision, shall not be considered to be “running at large”

B) Animal Nuisances- Every owner, and every other 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. Included, but not limited to, nuisances are:

1. Being an annoyance or disturbance to any person other than the owner by frequent and habitual barking, howling, yelping, hissing, meowing, crowing or fighting.
2. Defacing, scratching or marring any personal property other than that of the owner of said animal.
3. Allowing any such animals to defecate on property other than the animal owner’s property without cleaning up the droppings.
4. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee.
5. **EXCEPTIONS:** Farms, farm animals and farm operations in properly zoned areas shall not be found to be an annoyance or nuisance under this ordinance.

C) Unlawful To Cause Harm, Injury or Fear of Injury-

1. No person shall cause, permit or suffer to permit a dog, cat or other animal to attack or kill any person or domestic animal. This Section applies to any owner of the offending animal, any person charges with its care or any person providing its care. It is not a defense to a charge of violating this provision that the attacking and killing occurred all or in part on the premises owned, controlled or occupied by the defendant.
2. No person shall cause, urge, permit or suffer a dog, cat or other animal to place any person or other animals in reasonable fear of attack or injury.

SECTION 12.6 RABIES VACCINATIONS OF DOGS REQUIRED

A) The owner of each dog shall have it vaccinated against rabies by a veterinarian, or if a veterinarian is physically present at the location the vaccine is administered, by a veterinarian technician as required by §95.21(2)(a), Wis Stats at no later than five (5) months of age and revaccinated within one (1) year after the initial vaccination. Thereafter, re-vaccinations shall be performed before the immunization as stated on the certificate expressed or within three (3) years after the previous vaccination, whichever occurs first.

B) The rabies vaccination tag and original certificate of rabies vaccination shall be given to the owner of the dog vaccinated. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for that purpose until the date the immunization expires or the dog is revaccinated, whichever occurs first.

C) The owner of a dog shall attach the required rabies vaccination tag to the dog, provided by the veterinarian, in the manner and at the times required by §§95.21(2)(e) and 95.21(2)(f), Wis Stats. Such evidence of inoculation shall be removed by the owner when the effect of the vaccination as stated by the veterinarian expires.

SECTION 12.7 DOG LICENSES

Except as provided in §174.054, Wis. Stats., the owner of a dog more than five (5) months of age on January 1st of any year or five (5) months of age within the license year shall annually, or on or before the date the dog became five (5) months of age, pay the dog license fee as provided by the Town of Pleasant Valley License and Fee Schedule, and obtain a dog license. Evidence that the dog is currently immunized against rabies shall be presented at the time of licensing to the town treasurer. After receipt of license fee and evidence of rabies immunization, a license shall be issued under §§174.05 or 174.07, Wis. Stats. The Town treasurer issues the dog tags and maintains the record of licenses issued for the current year. At the end of each year, the records shall be turned in to the County Clerk under §174.08, Wis. Stats.

A) Issuance. Upon acceptance of the license application and fee, the Town treasurer or collecting agent shall issue a durable tag stamped with an identifying number and the year of issuance.

1) Dogs shall wear the dog license tags at all times, except during organized show or training situation, while engaged in supervised hunting, while securely confined indoors, securely confined in a fenced area or used for herding purposes.

2) No person shall transfer any license receipt or license tag issued for one animal to another animal.

B) License exemption. Every dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Town upon application. This exemption is also conferred to government-owned police and service dogs.

C) Multiple Dog License Option

1) Any person who keeps or operates a kennel may apply to the collecting official for a multiple dog license for the keeping or operating of the kennel. Such person shall pay for the license year as provided by the Town of Pleasant Valley License and Fee Schedule. Upon payment of the required multiple dog license fee as provided by the Town of Pleasant Valley License Schedule, and upon presentation of evidence that all dogs 5 months of age or older are currently immunized against rabies, the collecting official shall issue the dog licenses and a number of tags equal to the number of dogs authorized to be kept in the kennel. Obtaining a multiple dog license under this Ordinance shall not exempt the owner or operator from having to comply with applicable zoning or other police power Ordinances.

2) Multiple Dog license tags. Multiple Dog license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of a kennel shall keep, at all times, a multiple dog license tag attached to the collar of each dog 5 months of age or older kept by the owner or keeper under a multiple dog license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a

dog securely confined in a fenced area, or used for herding purposes. No dog bearing a multiple dog tag shall be permitted to stray or be taken anywhere outside the limits of the kennel unless the dog is on a leash or temporarily out for the purpose of hunting, breeding, training, competition, or herding.

3) Applicability of other requirements. Unless clearly inapplicable, all the provisions of this ordinance relating to the individual dog license fee, licenses, and tags shall apply to the multiple dog license and tags.

SECTION 12.8 ANIMAL CONTROL OFFICER

Pursuant to §173.03, Wis. Stats., the Town Board of the Town of Pleasant Valley, appoints as animal control officers to enforce the provisions of this ordinance Humane Officers employed by the Eau Claire County Humane Association to carry out the powers and duties of Humane Officers set forth in §173.07, Wis. Stats., including without limitation, enforcing the provisions of this animal control ordinance, including, but not limited to, all of the following:

A) Quarantine. The officer shall cause to be quarantined in an isolation facility any dog or cat if the officer has reason to believe that the animal has bitten a person, is infected with rabies or has been in contact with a rabid animal.

B) Impoundment. The officer may capture and restrain, or cause to be captured and restrained, any dog or other animal found to be dangerous, running at large or untagged in the Town. If the owner cannot be ascertained and notified, the officer shall deliver the dog or other animal to the Eau Claire County Humane Association facility. Any Town resident, including Town officers and employees, may take into custody any dog running at large in the Town, but shall timely notify the humane officer or deliver the dog to the humane officer facility to provide care, treatment, or disposal of the dog.

C) Impoundment and Disposal Fees, Impoundment and disposal fees shall be established and collected as may be determined from time to time by the designated animal shelter of the Town.

D) Destruction of Animal. The officer may order killed or may kill an animal in the lawful performance of his or her duties pursuant to §§95.21 and 174.02(3), Wis. Stats.

SECTION 12.9 LIMITATION ON NUMBER OF DOGS OR CATS.

There is no limit on the number of dogs or cats kept on a single parcel of property as described for tax identification purposes, but the Town Board of the Town of Pleasant Valley, may limit the number of dogs or cats at a given parcel if the Board is notified that two or more violations of this ordinance have occurred there within a period of 365 days, or that the persons who own or occupy the parcel have failed to care for animals in a humane manner as prescribed by this ordinance. If the Board limits the number of dogs or cats, the animal owner shall have two weeks to find a new home for the animal after which the animal must be given to the Humane Association. The failure or refusal of any person to obey this Ordinance shall be subject to enforcement under Section 12.12

**SECTION 12.10 CRIMES AGAINST ANIMALS STATE STATUTES
INCORPORATED BY REFERENCE**

It shall be unlawful for any person to inhumanely, unnecessary or cruelly beat, injure, kill or otherwise abuse any animal.

The following statutory references are adopted by reference as if fully set forth as offenses under this ordinance; provided that the penalty for the commission of such offenses shall be limited to a forfeiture imposed per the Town's Forfeiture Schedule.

- §951.01 Definitions (offenses against animals)
- §951.015 Construction and application
- §951.02 Mistreating animals
- §951.03 Dognapping and catnapping
- §951.06 Use of poisonous and controlled substances
- §951.13 Providing proper food and drink to confined animals
- §951.14 Providing proper shelter
- §951.15 Abandoning animals

SECTION 12.11 LIABILITY

The Town of Pleasant Valley, its officers, agents, and employees shall not be liable for the death, destruction, injury, or disease of any animal impounded pursuant to this ordinance.

SECTION 12.12 ENFORCEMENT, PENALTIES AND FEES

- A)** Any Animal Control Officer designated under Section 12.8, or any other person designated by the Town or any law enforcement officer shall be authorized to enforce the provisions of this ordinance.
- B)** The penalty for violation of any portion of this ordinance shall be forfeiture per the Town of Pleasant Valley resolution establishing the schedule of forfeitures and cash deposits.
- C)** Each day that any violation of this ordinance continues shall be deemed a separate offense.
- D)** In addition to the remedy for violations under B), the Town may, where appropriate and where the offense constitutes a public nuisance, seek an injunction in order to compel the offender to obey this Ordinance.

SECTION 12.13 SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

SECTION 12.14 REPEAL OF PRIOR ORDINANCES

The ordinance No 97-15-02 – Town Animal Control adopted by the Town of Pleasant Valley Board on April 14, 1997, and

The Ordinance No. 98-15-01 – Addendum to Town Animal Control Ordinance adopted by the Town of Pleasant Valley Board on January 12, 1998, and

The Ordinance No. 00-15-04 – Establishing Dog License Fees adopted by the Town Board on December 12, 2000, and

The Ordinance No. 13-15-01 - Town Animal Control adopted by the Town Board on January 14, 2013, and

The Ordinance No. 15-15-02 – Town Animal Control adopted by the Town Board on July 13, 2015, and

The Ordinance No. 17-15-03 – Town Animal Control adopted by the Town Board on December 11, 2017 are hereby repealed and replaced by this Animal Control Ordinance.

SECTION 12.15 EFFECTIVE DATE

This ordinance shall be effective upon adoption and publication by the Board of Supervisors of the Town of Pleasant Valley.

Town Board, Town of Pleasant Valley

Dated this 13th day of September 2021.

Dan Hanson, Town Chairman

Attested _____
Jennifer Meyer, Clerk

Dan Green, Town Supervisor

Douglas Nelson, Town Supervisor