

TOWN OF BLOOM

ORDINANCE NO. 2009 - 2

AN ORDINANCE RELATING TO DOG CONTROL IN THE TOWN OF BLOOM

The Town Board of Supervisors of the Town of Bloom, Richland County, Wisconsin, does ordain as follows:

SECTION I. AUTHORITY

Pursuant to Section 60.22 of Wisconsin Statutes, and the specific authority of sec. 60.23 (30) and Chapters 173 and 174, Wis. Stats., and as an exercise of the police power vested by law in the Town, the Town Board hereby provides the authority for the town to regulate the care, treatment, and control of dogs in the township. This ordinance supercedes the previous dog ordinance passed by the Town of Bloom Board on October 8, 1987.

SECTION II. DEFINITIONS

In this ordinance the following definitions of terms shall apply:

1. "Enforcement Officer" means any person employed or designated by the town board for the purpose of reviewing complaints, determining violations, and issuing citations.
2. "Legal Premises" means the real property owned or occupied by the owner of the dog.
3. "Owner" means a person who owns, harbors, or keeps a dog.
4. "Running at large" means off the owner's legal premise and not under the control of the Owner or some other person.
5. "Stray Dog" means a dog running at large whose owner is unknown.
6. "Town" means the Town of Bloom in Richland County, Wisconsin.
7. "Town Board" means the board of supervisors for the Town of Bloom, and includes designees of the town board authorized to act for the town board.
8. "Town clerk" means the clerk for the Town of Bloom, Richland County, Wisconsin.

9. "Untagged" means a valid license tag is not attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner's legal premise.

SECTION III. DUTY TO CONTROL AND CLEAN UP AFTER DOGS; VICIOUS OR DANGEROUS DOGS PROHIBITED.

3.1 No dog shall be permitted to run loose within the Town of Bloom. All dogs kept or harbored in the Town of Bloom or brought into said Town shall be under the physical control of the owner or of some responsible person at all times.

3.2 The owner or person in possession of any dog shall prevent excessive barking, howling or loud whining of his/her dog(s).

3.3 The owner or person in possession of any dog shall promptly clean up and properly dispose of any excretion by the dog(s), whether on private or public property.

3.4 No person shall keep, maintain or possess any dog within the Town of Bloom which is vicious or dangerous. A showing of either of the following shall constitute a prima facie showing that such animal is vicious or dangerous:

(a) The dog has on more than one occasion bitten or attacked any person or persons.

(b) The dog has caused great bodily harm to a person by attacking or biting the person harmed. "Great bodily harm" means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

3.5 A dog which is vicious or dangerous is declared to be a public nuisance within the Town of Bloom.

3.6 No person shall allow any dog owned by that person to be abandoned in the town. This would include lack of proper care for any dog kept on a property.

3.7 No person shall own, harbor, or keep more than three (3) dogs on the real property owned or occupied by the owner of the dog(s), except as allowed under the provisions of Section IV.

SECTION IV. EXEMPTIONS FROM SECTION III COVERAGE

4.1 A dog that is actively engaged in the town in a legal hunting activity, including training, is not considered to be running

at large if the dog is monitored or supervised by a person and the dog is on land in the town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog.

4.2 A dog that is used by a law enforcement agency as defined in sec. 165.83(1)(b), Wis. stats., in the town to perform law enforcement functions is not considered to be running at large or untagged for the purposes of this ordinance.

4.3 A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for the purposes of this ordinance.

4.4 Any person wishing to own, harbor, or keep more than three (3) dogs, must apply to the town board for a permit prior to exceeding said number of dogs.

SECTION V. DOG LICENSES/PERMIT APPLICATION

5.1 The owner of a dog more than 5 months of age on January 1 of any year, shall annually after providing proof of current immunization against rabies, pay the dog licence tax and obtain a licence, except as follows:

a. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax. Every person owning such a dog shall receive annually a free dog license from the township treasurer upon application.

b. The town board shall annually by resolution set the amount of the dog license tax in accordance with sec. 174.05 (2), Wis. Stats.

c. The license year commences on January 1 and ends on the following December 31.

d. A late fee of \$5.00 shall be collected from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license on or before the dog reaches the age of 5 months of age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

e. Any person wishing to own, harbor, or keep more than three (3) dogs must apply to the town board for a permit to do so. The written application shall include the anticipated number of dogs, design of the facilities to house said dogs, and a written authorization for a town board member (or their designee) to inspect said facility.

f. Any person issued a permit to keep more than three (3) dogs must have that permit renewed annually. Renewal of the permit will also require proof of vaccination, proper licensing, and additional

authorization for a re-inspection of the housing facility, should the town board chose to do so.

g. The application processing fee for the permit will be determined by the town board, and reviewed annually.

SECTION VI. TOWN AUTHORITY

6.1 If the identity of the owner of a dog(s) in violation of any part of this ordinance is known or can be determined, the town clerk shall provide written notice to the owner of the violation(s) and shall inform the owner that if the owner fails to correct said violation within 7 days of receipt, a violation citation will be issued to the owner of the dog.

6.2 If the identity of the owner of a dog under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.

6.3 The town and its officers and agents shall comply with Chapter 173 and 174, Wis stats.

6.4 All persons in the town shall fully cooperate with the town regarding dogs in the town and shall answer frankly, fully, and truthfully all questions of the town relative to dog ownership, possession, and keeping of dogs within the town.

SECTION VII. PENALTY PROVISIONS

7.1 **Forfeiture.** Any person, partnership, corporation, limited liability company, voluntary association or other legal entity who shall violate or fail or refuse to comply with any section of this ordinance may be prosecuted for such violation and shall, upon conviction, forfeit to the Town of Bloom not less than \$100.00 nor more than \$200.00, plus all applicable costs, fees and surcharges imposed under Ch. 814 Wis. Stats., and in the event such forfeiture, costs, fees and surcharges are not paid, such person, any partner of such partnership, or any officer, director or managing member of any corporation or limited liability company or any officer of such voluntary association may, upon order of the Circuit Court, be imprisoned in the Richland County jail until such forfeiture, costs and assessment are paid, but not to exceed 90 days, or may be subject to any other sanctions imposed by the Court for such failure to pay. Each day that a violation is maintained or permitted to exist shall constitute a separate violation. Where the owner of real estate upon which a violation of this ordinance exists is not the occupant of the real estate, as where the occupant is a renter, either the owner or the occupant or both may be prosecuted for a violation of this ordinance.

An action to impose a forfeiture may be commenced either by a citation issued by a Town Supervisor or by a complaint filed by the

Town's attorney.

7.2 Other Remedies. In addition to or as an alternative to the imposition of a forfeiture or other procedures under this ordinance the Town of Bloom may, in circumstances deemed appropriate by the Town Board, proceed by court action against any violation or violator of this Chapter for injunction or other legal remedy available to the Town.

7.3 Remedies not Exclusive. An action seeking other remedies shall not be deemed waived by the Town by the imposition of a forfeiture for the same violation, nor shall imposition of a forfeiture be deemed a waiver of or a bar to a proceeding for other remedies, including removal and disposition pursuant to Section V.

SECTION VIII. SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is adjudged invalid, the invalidity does not effect 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 IX. NON-EXCLUSIVITY

8.1 Adoption of this ordinance does not preclude the Town Board from adopting any other ordinance or providing for the enforcement of any other law or ordinance relating to the same or other matter.

8.2 The issuance of a citation hereunder shall not preclude the Town Board or any authorized office from proceedings under any other ordinance or law or by any other enforcement method to enforce any ordinance, regulation or order.

SECTION X. REPEAL OF PRIOR ORDINANCE.

Town of Bloom Ordinance No. 2007-4 is repealed.

SECTION XI. EFFECTIVE DATE

This ordinance shall take effect upon its passage and publication or posting as provided by law.

The foregoing ordinance was adopted at a regular meeting of the Town Board of the Town of Bloom on June 9, 2009

Vote for X Against _____

Charles D. Davis
Town Chairman Supervisor

Calvin Brown
Town ~~Supervisor~~ Chairman

James Wallace
Town Supervisor

ATTEST:

Theresa Osborne
Town Clerk