

**TOWN OF GRANT**  
**PORTAGE COUNTY WISCONSIN**  
**DOG ORDINANCE**  
ORDINANCE NO. 10-02

**SECTION 1: REPEAL**

**Repeal of Former Dog Ordinance**

The prior Dog Ordinance, adopted by the Town Board on July 5, 1969 shall be repealed upon the passage of this Ordinance.

**SECTION 2: PURPOSE**

The title of this Ordinance is the Town of Grant Dog Ordinance. The purpose of this Ordinance is to promote health, safety and general welfare of dogs and the people around them. Requiring dogs to be cared for in such a manner that they will not be a public nuisance, requiring dogs to be properly fed, sheltered and cared for and to ensure licensing and rabies vaccination of all dogs in the Town of Grant.

**SECTION 3: AUTHORITY**

The Town Board has the authority under its village powers Section 60.22, Wis, Stats., and the specific authority under Section. 60.23(30) and Chapter 174, Wis. Stats., to adopt this Ordinance.

**SECTION 4: DEFINITIONS**

1. "Abandoned" means that an owner has failed to pay the impoundment and care costs.
2. "Adult dog" means a dog older than one year of age.
3. "Animal shelter" means any facility operated by a humane society or Portage County or its authorized agents, for the purpose of impounding and caring for animals held under the authority of this Ordinance or state law.
4. "At large" A dog shall be deemed at large when off the property of the owner and not under restraint or control.
5. "Confined" means restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure.
6. "Cruel" means causing unnecessary or excessive pain or suffering or unjustifiable injury or death.
7. "Dog" includes all members of the family of dogs, whether domesticated or in the semi-wild or wild state, male or female.
8. "Kennel" means any premises wherein any person engages in breeding (more than one (1) litter per year), buying, letting for hire, sporting, or selling dogs, (buying or selling more than three (3) adult dogs per year.)
9. "Law enforcement officer" has the meaning assigned under Section 967.02(5), Wis. Stats., and includes a humane officer under Section 173.03, Wis. Stats., but does not include a conservation warden appointed under Section 23.10, Wis. Stats.
10. "Licensing authority" shall be the Town Treasurer of the Town of Grant.
11. "Owner" means a person who owns, harbors or keeps a dog.
12. "Property" means the real property owned or occupied by the owner of the dog.

13. "Restraint" means any animal secured by a leash, lead, or under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner.
14. "Spay or neuter" refers to a surgical procedure that has been performed on an animal by a veterinarian that renders it incapable of siring or bearing offspring.
15. "Stray dog" means a dog running at large whose owner is unknown.
16. "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.
17. "Veterinarian" has the meaning designated under Section.453.02(7), Wis. Stats.

#### SECTION 5: RESTRICTIONS ON DOGS

Except as provided in SECTION 6, no person may do any of the following.

1. Allow any dog owned by that person to run at large in the town.
2. Allow any dog owned by that person to be untagged in the town.
3. Allow any dog owned by that person to be abandoned in the town.
4. Allow a dog or dogs on the premise of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to annoy or disturb an adjacent owner or occupant of land or serve to annoy or disturb any number of persons within the town, as determined by the Town Board, or its designees. After receipt of written notice from the Town Board, or its designees, to the owner of the dog or to the owner of the legal premise where the dog is kept that the noise from the dog or dogs must be eliminated.
5. It shall be unlawful for any person to own, harbor or keep a dog which habitually pursues any vehicle, bicycle or pedestrian.
6. It shall be unlawful for any person to own, harbor or keep a dog which assaults or attacks any person.
7. It shall be unlawful for any person to own, harbor or keep a dog which kills, wounds or harasses any domestic animals.
8. It shall be unlawful for any person to own, harbor or keep a dog which 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.

#### SECTION 6: EXEMPTIONS FROM SECTION 5 COVERAGE

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. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the Town Board, or its designees.
2. A dog that is used by a law enforcement agency, as defined in Section 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 purposes of this Ordinance.
3. A dog that is untagged and kept in the town for educational or scientific purposes as determined by the Town Board shall not be considered untagged for purposes of this Ordinance.

4. A dog used for the control of and or protection of domestic animals shall not be deemed "at large" when used for such purposes.

#### SECTION 7: DOG LICENSE TAX

1. On or after a dog becomes 5 months of age, the owner shall have it licensed annually. To obtain a license presentation of evidence that the dog is currently immunized against rabies, payment of dog license tax is required.
2. The Town Board may enter into a contract with Portage County and their associated fee schedule or by resolution set the amount of the dog license tax in accordance with Section 174.05(2), Wis. Stats.
3. The license year commences on January 1 and ends on December 31 of the same calendar year.
4. A late fee of \$10 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 date the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.
5. Multi-Dog License Option: Any person who keeps 3 or more dogs or operates a kennel may, instead of the license tax for each dog required by this Ordinance, apply for a multi-dog license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax as per the Portage County tax fee schedule for a kennel of 12 or fewer dogs. Upon payment of the required multi-dog license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, licensing authority shall issue the multi dog license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Late fees are applicable to this section.

#### SECTION 8: IMPOUNDMENT

Animals running at large may be taken by any law enforcement officer and impounded in the Humane Society of Portage County and confined in a humane manner.

1. An owner reclaiming an impounded animal shall:
  - a. Provide his or her name or address.
  - b. Present evidence that the animal, if applicable, is licensed and if applicable, is vaccinated against rabies or provides a receipt from a licensed veterinarian for prepayment of a rabies inoculation.
  - c. Pay the accrued impoundment fee, veterinary fees and any fees associated with the impoundment of the animal.

#### SECTION 9: STANDARD OF CARE

No person shall be cruel or inhumane to any dog by beating, torturing, mutilating or failing to provide it with adequate food, drink or shelter. Nor shall any person abandon any dog within the town.

1. Standard of Care: No person owning or responsible for confining or impounding any dog(s) may refuse or neglect to supply the animal with sufficient supply of food and water as prescribed in this section.
  - a. Food: Food shall be of sufficient quantity and nutrient value to maintain the dog(s) in good health.

- b. Water: If potable water is not accessible to the dog(s) at all times, it shall be provided daily and in sufficient quantity of the good health and well being of the dog(s).
- 2. Providing Proper Shelter: No person owning or responsible for confining or impounding a dog(s) may fail to provide the dog(s) with proper shelter as prescribed in this section.
  - a. Indoor standards. Minimum indoor standards of shelter shall include:
    - 1) Ambient temperatures which shall be compatible with the health of the dog(s).
    - 2) Ventilation for indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the dog(s) at all times.
  - b. Outdoor Standards. Minimum outdoor standards shall include:
    - 1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of a dog(s) tied or confined, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
    - 2) Shelter from inclement weather.
    - 3) Natural or artificial shelter appropriate to the local climatic conditions for the breed concerned shall be provided as necessary for the good health and well being of the dog(s).
    - 4) If a dog is routinely tied or confined unattended outdoors, a moisture-proof and wind-proof shelter of suitable size to accommodate the dog shall be provided if conditions warrant.
  - c. Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt, and trash so as to minimize health hazard and odors.

#### SECTION 10: ENFORCEMENT

1. This Ordinance shall be enforced under the direction of the Town Board, through the Town zoning administrator and county law enforcement officers.
2. The Portage County Sheriff's Department personnel or their designee, to include humane officers appointed by the sheriff, are authorized to catch and impound animals at large, with such authorization to include the pursuit of the animals upon non-animal owner private property.
3. Under the authority of Chapter 173, Wis. Stats., the sheriff may appoint persons as humane officers who shall have the power designated by Chapter 173, Wis. Stats. The sheriff may limit such authority of any or all designated humane officers at their discretion.
4. The sheriff or their designee shall be authorized to modify or withdraw abatement orders issued under Section 173.11, Wis. Stats., by appointed humane officers.
5. It shall be a violation of this Ordinance to interfere with any law enforcement officer, Humane Officer or Health Officer in the performance of duties under this Code.

SECTION 11: PENALTIES

Any person violating the provisions of this Ordinance shall be punished upon conviction according to the following forfeiture range: Not less than \$25.00 nor more than \$250.00 per violation. A citation may be issued, according to the following schedule: \$25.00 for the first violation, \$50.00 for the second violation, \$100 for the third violation and subsequent violation, together with court costs, pursuant to Chapter 814, Wis. Stats. If any violation be continuing, each day's violation shall be deemed a separate offense. Failure to comply will result in the owner of said dog(s) to be required to forfeit their dog(s) to the Humane Society of Portage County. The Town Board may use any and all lawful enforcement mechanisms to enforce this Ordinance, including seeking legal or equitable relief.

SECTION 12: VALIDITY

Should any section, clause or provision of this Ordinance be declared by the courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part so declared to be invalid.

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The Town of Grant voted to adopt this Ordinance on August, 11, 2010

Ordinance #: 10-02

Signed:

Starron Schul  
Chairperson

Phil Ketcher  
Supervisor

Jay Hooker  
Supervisor

Witnessed:

Deby Zimmerman  
Town Clerk

8/26/10  
Dated

8/31/10  
Posted: Town Hall, Transfer Station, Oak & Townline