

**ORDINANCE NO 00-03
BEHAVIOR OF ANIMALS**

SECTION 1—PURPOSE. To create an ordinance to regulate the behavior of animals in the town.

SECTION 2 – DEFINITIONS

- (a) “Animal” means mammals, reptiles, and birds. Such term includes dogs and cats.
- (b) “At large” means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but an animal within an automobile of its owner or in an automobile of any other person with the consent of the owner of said animal, shall be deemed to be upon the owner’s premises.
- (c) “Behavior” means action, activities, traits, or similar characteristics of an animal and afflictions relating to or causing those actions, activities, traits, or similar characteristics.
- (d) “Cat” shall mean any feline regardless of age or sex.
- (e) “Dog” shall mean any canine, regardless of age or sex.
- (f) “Owner” shall mean any person owning, harboring, or keeping an animal and the occupant of any premise on which an animal remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the animal within the means of this ordinance.

SECTION 3 – RESTRICTIONS

- (a) It shall be unlawful for any individual person(s) within the Town of St. Croix Falls to own, harbor, or keep any animal which:
 - (i) Habitually pursues any vehicle upon any public street, alley, or highway in the Town.
 - (ii) Assaults or attacks any person or destroys property.
 - (iii) Is at large within the limits of the Town.
 - (iv) Habitually barks or howls to the annoyance of any person or persons.
 - (v) Kills, wounds, or worries any domestic animal.
 - (vi) 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.
 - (vii) Can be defined as an exotic animal.

SECTION 4 – DUTY OF OWNER IN CASE OF ANIMAL BITE

- (a) Every owner or person harboring or keeping an animal who knows that such animal has bitten any person shall immediately report such fact to a law enforcement officer or agency and shall keep such an animal confined for not less than ten (10) days or for such period of time as the law enforcement officer or agency shall direct. The owner or keeper of any such animal shall surrender the animal to a law enforcement or humane officer upon demand for examination.

SECTION 5 – INJURY TO PROPERTY BY ANIMAL

- (a) It shall be unlawful for any person owning or possessing an animal to permit such animal to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush, or injure any lawn, flower bed, plant, shrub, tree, or garden in any manner whatsoever, or to defecate thereon.

SECTION 6 – ANIMALS RUNNING AT LARGE

- (a) Animals Running at Large. The following provisions affect animals running at

large:

- (i) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Town. The owner of any animal shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large shall be seized by a humane or law enforcement officer.
- (ii) A dog, cat, or other animal shall be considered to be running at large if it is off the premises of its owner and not under the control of the the owner or some other person.
- (iii) A dog, cat, or other animal shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

SECTION 7 – VICIOUS ANIMALS

- (a) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For the purposes of enforcing this section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and , upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.
- (b) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

SECTION 8 – IMPOUNDMENT OF ANIMALS AND FEES

- (a) Animal Control Agency.
 - (i) The Town of St. Croix Falls may contract with or enter into an agreement with such person, persons, organization, or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals, and for other needed services.
- (b) Impounding of Animals. In addition to any penalty hereinafter provided for a violation of this ordinance, any police or humane officer may impound any dog, cat, or other animal which habitually pursues any vehicle upon any street, alley, or highway of this Town; assaults or attacks any person or destroys property; is at large within the Town; habitually barks, cries, or howls; kills, wounds or worries any domestic animal; or is infected with rabies, suspected of having rabies, or has been bitten by an animal known to have been infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Town for any damages it sustains for an improper or illegal seizure.
- (c) Citations; In lieu of or in addition to impoundment the Town or its enforcement agency may issue a citation, according to the penalties in the Town Schedule of

Penalties and Cash Deposits.

- (d) Claiming Animal; Disposal of Unclaimed Animals. After seizure of animals under this section of by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in a public place in the Town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may release or dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for fourteen (14) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of the impoundment fees. The amount of such impoundment fees shall be established by the Town Board and included in the Town of St. Croix Falls Fees and Penalties Ordinance. Such fees shall be payable to the Town of St. Croix Falls and deposited with the treasurer thereof. Said fee may be changed by the Town Board as conditions warrant.
- (e) Unclaimed animals. If the owner of the animal doesn't reclaim the animal within seven (7) days, the animal warden may release the animal to any willing person per Wisconsin State Statute 173.23.
- (f) Town Not Liable for Impounding Animals. The Town and/or its animal control agency shall not be liable for the death and/or injury of any animal which has been impounded or disposed of pursuant to this section.

SECTION 9 – SEVERABILITY.

- (a) If any section of this ordinance is found to be unconstitutional or otherwise invalid, the validity of the remaining sections shall not be affected.

SECTION 10 -- EFFECTIVE DATE.

- (a) This ordinance shall take effect from and after its passage and legal publication.

Dated this the 20th day of November, 2000.

/s/Stan Heiderscheidt, Chairperson

Attest: /s/James H. Beistle, Town Clerk

Amended January 21, 2009, by Ordinance 09-02