

TOWN OF CLAYTON, COUNTY OF WINNEBAGO, STATE OF WISCONSIN  
ORDINANCE NO. 2020-007

An Ordinance Repealing § 4.6 of the Town of Clayton Code of Ordinances and Creating § 4.6 of  
the Town of Clayton Code of Ordinances Relating to the Keeping of Dogs

THE TOWN BOARD OF THE TOWN OF CLAYTON DOES ORDAIN AS FOLLOWS

SECTION 1

**Definitions:**

1. 1. In this section, unless the context of the subject matter otherwise implies, the terms used shall be defined as follows:
  - 1.1.1. **Owner:** Any person owning, harboring or keeping a dog and the occupant of any premises on which, the dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.
  - 1.1.2. **At Large:** A dog which is 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 any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.
  - 1.1.3. **Kennel:** Any establishment wherein dogs are kept for breeding, sale or sporting purposes.

SECTION 2

**Dog License Required:**

- 2.1. It shall be unlawful for any person in the Town of Clayton to own, harbor or keep any dog of more than 5 months of age without complying with the provisions of this Ordinance and State Statutes 174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of same.
- 2.2. Number of Dogs per Household Limited:
  - 2.2.1 No person, except a kennel licensee, shall own, harbor or keep more than 3 dogs that are more than 5 months of age. No kennel license shall be issued in any residential district or within 100 feet of any residential district. If a total of more than 3 dogs are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of such animals.
  - 2.2.2. Persons who have more than 3 dogs which are licensed on the effective date of this Ordinance are exempt from the provisions of section 2.2.1. of the Ordinance; however, no further licenses shall be issued until fewer than 3 dogs are owned, harbored or kept in the household.

## SECTION 3

### **License Fees:**

- 3.1. The license fees for dogs shall be as provided in the Town Fee Schedule on file in the Town Office.

### **Late Fees:**

- 3.2. The Town Clerk shall assess and collect a late fee as provided in the Town Fee Schedule on file in the Town Office from every owner of a dog 5 months of age or older if the owner failed 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 failed to obtain a license before the dog reached licensable age.

### **Kennel License Option:**

- 3.3. The owners of kennels may opt to pay a kennel license fee as provided in the Town Fee Schedule on file in the Town Office and the Clerk shall issue tags for each dog owned by the kennel owners.

### **Rabies Vaccination Required:**

- 3.4. It shall be unlawful for any person to keep a dog in the Town which is over 5 months of age and has not received a rabies vaccination as required by Wisconsin Statutes 95.21(2). No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in Wisconsin Statutes 95.21(2)(f).

## SECTION 4

### **Restrictions on Keeping of Dogs:**

- 4.1. It shall be unlawful for any person within the Town to own, harbor or keep any dog which:
- 4.1.1. Habitually pursues vehicles upon any street, alley or highway.
  - 4.1.2. Molests passersby or assaults or attacks any person without provocation.
  - 4.1.3. Is at large within the limits of the Town of Clayton.
  - 4.1.4. Habitually barks or howls to the annoyance of any person or persons (this section shall not apply to hospitals for the treatment of small animals or to the premises occupied or used by a pound operated by the Town of Clayton).
  - 4.1.5. Kills, wounds, or intimidates any domestic animal.
  - 4.1.6. 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.

### **Complaints:**

- 4.2. The Animal Control Officer shall upon receiving a first-time complaint about a continuously barking, howling, and/or yelping dog(s) notify the owner of the said dog(s) about the complaint requiring that the owner take steps to assure resolution of the situation.

The Animal Control Officer shall upon receiving a confirmed succeeding complaint regarding the same dog(s) continuous barking, howling, and/or yelping by said officer shall send a written notice to the owner of said dog(s) and shall levy a fine as outlined below.

**Penalties:**

- 4.3. If the owner of a dog negligently or otherwise permits the dog to run at large, the owner shall forfeit not less than \$50 nor more than \$500.

**SECTION 5**

**Dogs Running at Large:**

- 5.1. A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined above.

**Setting Animals At Large Prohibited:**

- 5.2. No person shall open any door or gate of any private premises for the purpose of setting any dog or other animal at large, except the owner of such animal.

**Untagged Dogs:**

- 5.3.1. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is off the premises of the owner.

**Dogs Subject to Impoundment:**

- 5.4.1. Police Officers and/or the Town's Animal Control Officer shall attempt to capture and restrain any dog running at large and any untagged dog.

**Penalties:**

- 5.5.1. If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits a dog to be untagged, the owner shall forfeit not less than \$50 nor more than \$500.

**SECTION 6**

**Duty to Report Animal Bite:**

- 6.1. Every person, including the owner or person harboring or keeping a dog or other animal, who knows that such animal has bitten (punctured the skin) any person shall immediately report such fact to the County Sheriff.

**SECTION 7**

**Quarantine or Sacrifice of Animals Suspected of Biting A Person or Being Infected with Rabies.**

- 7.1. Quarantine or Sacrifice of Animal:

- 7.1.1. The Town Animal Control Officer may request that the County Health Officer or a peace officer consider ordering a dog or other animal quarantined if he has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal.
- 7.1.2. If quarantine cannot be imposed because the animal cannot be captured, the owner may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner, which avoids damage to the animal's head. And out of sight of any members of household

7.2. Quarantine Order:

- 7.2.1. If a quarantine is ordered, the owner of the dog shall be subject to the provisions of Wisconsin Statutes 95.21(5), (6) and (8).

## SECTION 8

### **Impounding and Disposition of Dogs:**

8.1 Impounding of Dogs:

- 8.1.1 The Town's Animal Control Officer, a police officer or other person restraining a dog running at large shall take such animal to a pound designated by the Town Board. The Town's Animal Control Officer shall attempt to identify the dog and notify the owner.
- 8.1.2. The Town's Animal Control Officer shall keep a public record of all such dogs impounded.

8.2 Release of Dog to Owner or Representative:

- 8.2.1 The pound may release the dog to the owner or his representative if the owner or representative:

Gives his name and address:

Presents evidence that the dog is licensed and vaccinated against rabies. If not current on licensure or vaccination, a warning citation will be issued with a 10-day grace period for compliance (\$25.00 fine if owner fails to comply within grace period).

Presents evidence that all fees are paid to the Town Clerk to including:

All fines.

All boarding fees.

All impound fees.

Clerk will issue a receipt for payment of all fees, which upon presentation of said receipt to pound, dog may be released to owner.

### 8.3. Release of Dog to Person Other Than Owner:

- 8.3.1. If the owner of the dog is unknown or does not reclaim the dog within 7 days, the pound may release the dog to a person other than the owner if such person:  
Gives name and address.  
Signs a statement agreeing to license the dog and have the dog vaccinated against rabies.

## SECTION 9

### **Penalties:**

- 9.1 In addition to other penalties provided in this section, the following penalties are imposed:

### **Failure to Obtain Rabies Vaccination:**

- 9.2 A dog owner who fails to have a dog vaccinated against rabies, as provided in this Ordinance, shall, upon conviction, forfeit not less than \$50 nor more than \$500.

### **Refusal to Comply with Quarantine Order:**

- 9.3. An owner of a dog or other animal who refuses to comply with an order issued under this Ordinance to deliver the animal to the Town's Animal Control Officer, a police officer, the pound designated by the Town Board, or veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$50 nor more than \$500.

## SECTION 10

### **Keeping of Vicious Dogs Regulated.**

#### **Definitions:**

- 10.1. The terms used in this section are defined as follows:

- 10.1.1 Vicious Dog: Any dog or hybrid dog with a propensity, tendency or disposition to attack, assault, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
- 10.1.2. Any dog or hybrid dog which attacks a human being or another domestic animal without provocation.
- 10.1.3. Any dog or hybrid dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

### **Requirements and Prohibitions:**

- 10.2. Leash and Muzzle:

- 10.2.1 No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length.
- 10.2.2 No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash.
- 10.2.3 The dog may not be leashed to inanimate objects such as trees, posts and buildings.
- 10.2.4 A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.
- 10.2.5 A vicious dog shall not be required to be muzzled when shown in a sanctioned American Kennel Club show.

**Confinement:**

- 10.3 All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in 10.2.4. above.
  - 10.3.1. The pen, kennel or structure shall have secure sides and a secure top attached to all sides.
  - 10.3.2. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure.
  - 10.3.3. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet.
  - 10.3.4. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Town.
  - 10.3.5. All structures erected to house vicious dogs shall be adequately lighted and ventilated and kept in a clean and sanitary condition. And of sufficient size to be deemed "humane"

**Confinement Indoors:**

- 10.4. No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

**Prohibited in Multiple Dwellings:**

- 10.5. No vicious dog may be kept within any portion of any multiple dwelling.

**Signs:**

- 10.6 All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public with letters not less than 2 inches in height stating "Danger -Vicious Dog." A similar sign is required to be posted on the kennel or pen of the dog.

**Insurance:**

- 10.7. All owners, keepers or harborers of vicious dogs or hybrid dogs shall, within 30 days of the effective date of this section, provide proof to the Town Board of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs or hybrid dogs. The insurance policy shall provide that no

cancellation of the policy will be made unless a 10-day written notice is first given to the Town Board. The owner or custodian of the dog shall produce evidence of the required insurance upon request of the Town's Animal Control Officer and/or a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

**Vicious Dog Determination:**

10.8. The Town Administrator shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined above. In the event the Town Administrator makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.

**Appeal of Vicious Dog Determination:**

10.9. Any person aggrieved by the determination of the Town Administrator, as provided in 10.8 above, may appeal such determination to the Town Board.

**Compliance:**

10.10. Within 10 days of the determination that a dog is vicious, as provided in 10.8 above, or 10 days after an unsuccessful appeal under 10.9 above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of such dog.

**Disposition of Vicious Dogs:**

10.11. The Town shall adopt by reference State Statute 174.02 "Owner's liability for damaged caused by dog; penalties; court order to kill a dog". The Town's Animal Control Officer, shall follow the provisions of the adopted State Statute when disposing of a vicious dog.

**Penalty:**

10.12. Any person who violates any provision of this section shall, upon conviction, be subject to the payment of a forfeiture as provided by this Ordinance. A separate offense shall be deemed committed on each day on which a violation of this Ordinance occurs or continues.

**SECTION 11**

**Keeping of Wolf-Dog Hybrids Regulated:**

Definitions:

11.1. The terms used in this section are defined as follows:

- 11.1.1 Wolf-Dog Hybrid. Any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote, jackal or dingo or resulting from the mating of any wolf-dog hybrid and another wolf-dog hybrid or a domesticated dog.
- 11.1.2. Canine Animal. Includes all members of the family Canidae except foxes.
- 11.1.3. Domesticated Dog. *Canis familiaris*.
- 11.1.4. Wolf. Includes both *canis lupus* and *canis niger*.
- 11.1.4. Coyote. *Canis latrans*.

11.1.5. Jackal. Canis aureus.

11.1.6. Dingo. Canis dingo.

**Enclosure Requirements:**

11.2. A wolf-dog hybrid may be kept only in an enclosure that meets the following minimum requirements:

11.2.1. Enclosures shall be constructed of woven, galvanized after weaving wire, securely anchored by stainless steel or copper rings.

11.2.2. Enclosure shall be not less than 500 square feet in extent plus 250 square feet for each additional canine animal kept therein and shall be the location in which the animal is primarily kept.

11.2.3. Enclosure shall extend to a height of not less than 8 feet and shall be surrounded from ground level to a height of 4 feet by 1/2-inch galvanized mesh screening.

11.2.4. The top of the enclosure shall be constructed of securely anchored wire mesh and extend inward a distance of not less than 2 feet at the top of each enclosure at an angle of not less than 45°.

11.2.5. The base of the enclosure shall be covered by at least 4 inches of crushed stone.

11.2.6. The enclosure shall be kept locked with a case-hardened lock at all times when the animal is unattended.

11.2.7. The enclosure shall have double entrance gates or doors so as to prevent an animal from escaping past an open gate or door.

11.3. Any person who was, at the time of the enactment of this Section, the owner of a single wolf-dog hybrid may obtain an exemption from the requirements of Section 11.2 by obtaining an inspection by the Animal Control Officer. The inspection fee shall be \$50. The Animal Control Officer shall file a report with the Town Board as to the adequacy of the enclosure to protect the safety of the public and provide for the well-being of the animal. The Board shall review the report and, if the Board is satisfied that the owner has provided a secure enclosure that is adequate for the protection of the public and the well-being of the animal, it may issue a written exemption from the terms of 11.2. above. Such exemption shall be valid for the animal's lifetime, however, a conviction of the owner for allowing the animal to run at large in violation of this section shall void such exemption. In issuing exemptions, the Board shall consider the size and observed behavior of the animal and any prior convictions of the owner for allowing any animal to run at large. The Board may require modifications to be made to existing enclosures as a condition of issuing an exemption.

**Wolf-Dog Bites: Sacrifice of Animal:**

11.4. Every person, including the owner of a wolf-dog hybrid, who knows such animal has bitten any person shall immediately report such fact to the Police Chief. Pursuant to § 95.21(4)(b) and (6), Wis. Stats., the Chief may kill such animal, taking care to preserve the head and deliver such animal to a veterinarian for preparation of the carcass to be sent to the State Laboratory of Hygiene for testing.



**Transportation:**

11.5. A wolf-dog hybrid may be transported only if confined in a secure, locked container with no openings not covered with fine mesh screen. This subsection does not prohibit the walking of such animal on a leash, provided that said animal is muzzled at all times.

**Registration Papers:**

11.6. In order to insure compliance with the terms of this section, no person in possession of any registration papers, certificate, advertisement or other written evidence by which the blood lines of a canine animal found within the Town or its ownership might be ascertained may refuse to produce the same for the inspection of any law enforcement, conservation or public health officer or court upon demand.

**Exception:**

11.7. The provisions of this section shall not apply to doctors of veterinary medicine in temporary possession of such animals in the ordinary course of their practices.

**Release Prohibited:**

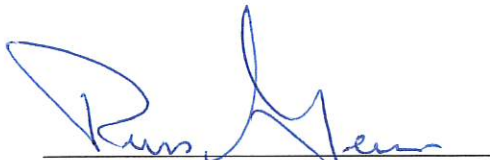
11.8. No person shall willfully or negligently release or abandon a wolf-dog hybrid.

**Penalty:**

11.9. Violation of any provision of this section, except sub. (7) above, shall be subject, upon conviction, to a forfeiture of not less than \$50 nor more than \$500 plus the costs of prosecution for each violation. Any person who violates sub. (7) above shall forfeit not more than \$ 1,000 plus the costs of prosecution for each violation. Each day a violation occurs or continues constitutes a separate offense. Any person who is in default in the payment of forfeitures or costs imposed hereunder, unless found indigent by the court, shall be imprisoned in the County Jail for up to 30 days for each violation or until payment has been made.

Adopted this 17<sup>th</sup> Day of June, 2020

APPROVED:

  
Russ Geise, Town Chairperson

ATTEST:

  
Holly Stevens, Clerk

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