

2 TOWN OF FOUNTAIN PRAIRIE

3 ANIMAL CARE AND LICENSES ORDINANCE

4 The Town of Fountain Prairie, Columbia County, does ordain as follows:

5 1. **DEFINITIONS.**

- 6 a. Animal includes every living, warm-blooded creature except a human
7 being.
8 b. Cruel means causing unnecessary and excessive pain or suffering or
9 unjustifiable injury or death.
10 c. Law enforcement officer has the meaning assigned under 967.02(5), Wis.
11 Stats., and includes a humane officer under 58.07, Wis. Stats., but
12 does not include a conservation warden appointed under 23.10 Wis.
13 Stats.
14 d. Farm animal means any warm-blooded animal normally raised on farms in
15 the United States and used or intended for use as food or fiber.
16 e. Kennel means any establishment wherein or whereon dogs are kept for the
17 purpose of breeding, selling, buying or boarding.

18 1. *Commercial kennel* means a premise where 4 or more animals
19 over the age of 6 months are kept for the primary purpose
20 of commercial breeding, boarding, or selling of animals. A
21 commercial kennel does not included animal hospitals,
22 clinics, and other premises operated by a licensed
23 veterinarian exclusively for the care and treatment of
24 animals.

25 2. *Non-commercial kennel* means any premises where 4 or more
animals over the age of 6 months are kept but not for the
primary purpose of commercial breeding, boarding, or
selling of animals.

f. Owner includes every person who, owns, harbors or keeps an animal.

2. **CONSTRUCTION AND APPLICATION.** This section shall not be interpreted to cover
any law regulating animal trapping, the use of live animals in dog trials or
in the training of hunting dogs, or the slaughter of animals by persons
acting under State of Federal law.

3. **MISTREATING ANIMALS.** No person may treat any animals, whether belonging to
himself or another, in a cruel manner. This subsection does not prohibit
bona fide experiments carried on for scientific research or normal and
accepted veterinary practices.

4. **TAKING WITHOUT OWNER'S CONSENT.** No person may take a dog from one place to
another without the owner's consent or cause such dog to be confined or
carried out of this State or held for any purpose without the owner's
consent, except when such animal is taken by a law enforcement officer as
designated above or a Town Official.

5. **TRANSPORTATION OF ANIMALS.** No person may transport any animal in or upon any
vehicle in a cruel manner.

- 1 6. **USE OF POISONOUS AND CONTROLLED SUBSTANCES.** No person may expose any
2 domestic animal owned by another to any known poisonous substance or
3 controlled substance listed in 161.14, Wis. Stats., whether mixed with meat
4 or other food or not, so that the substance is liable to be eaten by the
5 animal and for the purpose of harming the animal. This subsection does not
6 apply to poison used on one's own premises and designed for rodent or pest
7 extermination, nor to the use of a controlled substance in bona fide
8 experiments carried on for scientific research or in accepted veterinary
9 practices.
- 10 7. **PROPER FOOD AND DRINK TO CONFINED ANIMALS.** No person owning or responsible
11 for the confining or impounding of any animal shall refuse or neglect to
12 supply the animal with sufficient food and water as prescribed in this
13 subsection.
- 14 a. *Food.* The food shall be of sufficient quantity and nutritive value to
15 maintain the animal in good health.
- 16 b. *Water.* If potable water is not accessible to the animal at all times,
17 it shall be provided daily and in sufficient quantity for the health of
18 the animal.
- 19 8. **PROPER SHELTER.** No person owning or responsible for confining or impounding
20 any animal shall fail to provide the animal with proper shelter as prescribed
21 in this subsection. In the case of farm animals, nothing in this subsection
22 shall be construed to impose shelter requirements or standards more stringent
23 than normally accepted by husbandry practices.
- 24 a. *Indoor Standards.* Minimum indoor standards of shelter shall include:
- 25 1.) Ambient temperatures which shall be compatible with
the health of the animal.
- 2.) Indoor housing facilities shall be adequately
ventilated by natural or mechanical means to provide
for the health of the animals at all time.
- b. *Outdoor Standards.* Minimum outdoor standards shall include:
- 1.) Shelter from sunlight. When sunlight is likely to
cause heat exhaustion of an animal 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.
- a.) *Animals Generally.* Natural or artificial
shelter appropriate to the local climatic
conditions for the species concerned shall be
provided as necessary for the health of the
animal.
- b.) *Dogs.* If a dog is tied or confined
unattended outdoors, a moisture proof and
windproof shelter of suitable size to
accommodate the dog shall be provided.

1 c.) Space Standards. Minimum space requirements
2 for both indoor and outdoor enclosures shall
3 included:

4 1.) Structural Strength. The housing
5 facilities shall be structurally sound
6 and maintained in good repair to protect
7 the animals from injury and to contain
8 the animals.

9 2.) Space Requirements. Enclosures shall be
10 constructed and maintained to provide
11 sufficient space to allow each animal
12 adequate freedom of movement.
13 Inadequate space may be indicated by
14 evidence of debility, stress or abnormal
15 behavior patters.

16 d.) Sanitation Standards. Minimum standards of
17 sanitation for both indoor and outdoor
18 enclosures shall include periodic cleaning to
19 remove excreta and other waste materials,
20 dirt and trash to minimize health hazards.

21 9. **ABANDONMENT.** No person may abandon any animal.

22 a. Animal Control Agency. Any law enforcement officer may remove shelter
23 and care for any animal found to be cruelly exposed to the weather,
24 starved or denied adequate water, neglected, abandoned or otherwise
25 treated in a cruel manner and may deliver such an animal to the animal
26 control agency as set forth in sub. (25) or such other designated
27 person to be sheltered, cared for and given medical attention, if
28 necessary. In all cases the owner, if known, shall be immediately
29 notified and such officer or animals control agency, or such other
30 designated person having possession of the animal, shall have a lien
31 thereon for its care, keeping and medical attention an the expense of
32 notice.

33 b. Treated as Stray. If the owner or custodian is unknown and cannot with
34 reasonable effort be ascertained or does not redeem the animal by
35 paying the expenses incurred, the animal may be treated as a stray.

36 10. **VACCINATION.**

37 a. Rabies Control. Every owner of a dog 4 months of age shall have his
38 animal inoculated with an antirabies vaccine by a licensed
39 veterinarian. The tag received shall be firmly attached to the collar
40 of the animal.

41 b. Exceptions. No dog shall require the vaccination if a licensed
42 veterinarian has examined the animal and certified that at such time
43 vaccination would endanger its health because of age, infirmity,
44 debility, illness or other medical consideration. Such exempt animal
45 shall be vaccinated as soon as health permits.

46 11. **REVACCINATION.**

47 a. Dogs. Every owner of a dog shall have his dog revaccinated within one
48 year of the initial vaccination and thereafter within every 3 years.

49 12. **BITES BY DOMESTIC ANIMALS.**

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- 2 a. Report. Any person bitten or scratched by any stray or unknown animal shall report the fact within 12 hours to the Town Constable and/or a physician.
- 3 b. Quarantine. Any animal that bites a person shall be captured, confined and observed for 10 days by a veterinarian or at the animal shelter at the expense of the owner, or if the owner can provide evidence of a valid rabies vaccination, such animal can be confined and observed at the home of the owner.
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- 6 1. After such quarantine period, animals that have not previously been vaccinated must be vaccinated and proof sent to the Town Constable within 72 hours of release.
- 7 2. A domestic animal that has been exposed to rabies shall be held in quarantine for 6 months.
- 8 3. A domestic animal that has been vaccinated, but is exposed to rabies, shall be quarantined for 60 days.
- 9 c. Destruction of Animal. If the owner of the animals does not wish to have the animal quarantined, the owner may have the animal destroyed and tested for rabies.
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11 **13. BITES BY WILD ANIMALS.**

- 12 a. Any person bitten or scratched by any wild animal shall report the fact within 12 hours to the Town Constable or the attending physician.
- 13 1. Any wild animal that bites or scratches shall be killed at once (without unnecessary damage to the head) and the brain examined for the evidence of rabies.
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15 **14. LICENSES.**

- 16 a. Fees. Every owner of a dog more than 5 months of age on January 1 of any year or 5 months of age within the license year shall annually or within 30 days from the date such dog becomes 5 months of age, at the time and in the manner provided by law for the payment of property taxes, pay his dog license tax and obtain a license thereof. See the fee schedule for all applicable fees and penalties.
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- 19 b. Penalty. If application is made after April 1, a penalty of \$5.00 per dog shall be added to the license fee. The penalty provided hereunder for dogs shall be paid to the Town Treasurer.
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21 **15. KENNELS.**

- 22 a. License Required.
- 23 1. Any person with 4 or more dogs over the age of 6 months shall obtain either a commercial or a non-commercial kennel license.
- 24 a. Exempt are those owners that owned 3 or more dogs as of the license period of January 1, 2005. Once a dog is removed from the original number licensed on January 1, 2005, that animal may be replaced with a kennel license only.
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2. Subject to the licensing and fee requirements of "F" below, any person wishing to operate or maintain a commercial kennel or a non-commercial

1 kennel must apply for a kennel permit with the Town Clerk and pay a one
2 time required application fee of \$10.00. Board approval is required for
3 all kennel permits, "**and the Town Constable shall provide a written
recommendation to the Board for their consideration**". Each kennel permit
shall be posted conspicuously on the kennel premises.

4 b. Application. The application for kennel permits shall state the name and
address of the owner of the proposed kennel, the location and where the kennel is
5 to be kept, and the number of animals proposed to be kept.

6 c. Kennel Construction and Operation. These provisions apply to commercial
kennels and non-commercial kennels. The regulations for animal shelter standards
7 as set out in sub. (8) also apply to commercial kennels and non-commercial
kennels. No permit shall be granted to any owner for the operation of an outdoor
8 kennel unless the area within which the animals are to sleep, eat or exercised
shall be enclosed completely with a wire mesh fence with appropriate height and
9 strength to insure the confinement of said animals. Every kennel shall be
maintained and operated in a neat and sanitary manner. All refuse; garbage and
10 animal waste shall be removed at regular intervals so as to keep the surrounding
area free from obnoxious ordors. No owner of the kennel shall permit any of the
11 animals to create any unusual noise from barking, howling, or create any
disturbance or nuisance of any kind which unduly impairs the quiet and peaceful
enjoyment of the surrounding area by other residents.

12 d. Inspection. All kennels are subject to inspection by the Town Constable at
reasonable house upon request. All kennels must comply with all building and
13 zoning codes.

14 e. Revocation. The Board may revoke any kennel permit for violation of this
section after reasonable notice and opportunity to be heard is given to the
15 permit holder.

16 f. Fees. For the annual non-commercial and commercial kennel fees see the fee
schedule.

17 g. Proof of Insurance Requirement. Before being granted a commercial kennel
license by the Town, the applicant is required to show proof of liability
18 insurance in the amount of One Million dollars (\$1,000,000.00) to the Town Board.

19 16. **STATE REGULATIONS**. The provisions of Ch. 174, Wis. Stats., pertaining to
licensing of dogs are made a part of this section by reference thereto,
20 except where the amount of such license fee is increased herein.

21 17. **DOGS NOT TO RUN AT LARGE**. No person shall own, keep or harbor a dog which
runs at large within the limits of the Town. Under the provisions of the
22 subsection, a dog shall be considered as running at large when it is not on
the premises of its owner or under control of its owner.

23 18. **VICIOUS ANIMALS**. The owner of any vicious animal shall keep such animal
securely enclosed on the owner's premises away from the proximity of
24 sidewalks, paths or alleys and shall keep it muzzled when exercising it.

25 19. **FEMALE ANIMALS IN SEASON**. Any female dog in season shall be kept under
control by its owner.

1 20. **HOWLING ANIMALS.** No person shall own, keep, have in his/her possession or
2 harbor any animal within the Town which, by frequent or habitual howling,
3 yelping or barking, causes a serious disturbance to persons or a
4 neighborhood, provided this subsection shall not apply to licensed animals
5 hospitals conducted for the treatment of small animals or to the premises
6 used and occupied by the Town for impounding animals.

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11 21. **INJURED ANIMALS.**

12 a. Medical Attention. No person who owns harbors or keeps any animal shall
13 fail to provide proper medical attention to such animal when such animal
14 becomes injured. If the owner of such injured animal cannot be located, the
15 Town, or any animal control agency with whom the Town has an agreement or
16 contract, shall have the authority to acquire such animal for the purpose of
17 providing medical treatment and the owner thereof shall be responsible for
18 reimbursement of medical costs.

19 b. Accidents. The operator of any vehicle involved in an accident resulting
20 in injury to or death of any domestic animal shall stop such vehicle at the
21 scene of the accident, or as close thereto as possible, and, if possible
22 remove the animal to the side of the roadway and notify the Town Constable or
23 the Town's contracted animal control agency.

24 22. **RABID ANIMALS.**

25 a. Report Of. Any person who suspects that any dog or other domestic animal
in the Town is infected with rabies shall report his suspicion to the Police
Department, describing the dog or other domestic animal and giving the name
of the owner, if known. Any person who observes that a dog or other domestic
animal has bitten any person shall give similar report to the Sheriff's
Department.

26 23. **IMPOUNDING OF DOGS OR OTHER DOMESTIC ANIMALS.**

27 a. Running At Large. Any unlicensed dog or domestic animal running at
28 large shall be impounded at the place provided by the Town, as the
29 County Humane Society.

30 b. Care of Dog or Other Domestic Animals. All dogs or other domestic
31 animals impounded under this subsection shall be cared for and fed by
32 the County Humane Society.

33 c. Notice to Owner. As soon as practicable after a dog or other domestic
34 animal is impounded, the Town Constable or such other person designated
35 by the Board, shall cause notice to the owner that such dog or domestic
36 animal is impounded.

37 d. Redeeming Impounded Dogs or Other Domestic Animals. An impounded dog or
38 other domestic animal may be redeemed by paying the Town Constable
39 retrieval fee and any and all fees which were incurred by the Columbia
40 County Humane Society for care and treatment of the animal.

41 e. Disposing of Impounded Dogs or Other Domestic Animals. If an impounded
42 dog or other domestic animal is not redeemed within the guidelines set
43 forth by the Columbia County Humane Society, such dog or other domestic
44 animal may be disposed of in a proper and humane manner or it may be
45 sold or given away to any person who would be a proper owner. In the
46 case of a sale of a dog or other domestic animal, such payment shall be
47 made to the Columbia County Humane Society who shall issue a receipt

1 therefore to the new owner and may then secure the release of such dog
2 or other domestic animal from the Humane Society.

3 24. **LIABILITY.** The Town and/or its designated agents shall not be liable to any
4 person for the death, destruction, injury or disease caused to any animal
5 that has been impounded pursuant to this section.

6 25. **PENALTIES.** Violation of the provisions of the chapter or failure to comply
7 with any of its requirements shall constitute forfeiture. Any person who
8 violates any provision of the chapter or fails to comply with any of its
9 requirements shall upon conviction thereof be fined not less than \$50.00 and
10 not more than \$200.00. In addition, the person convicted shall also pay all
11 costs and expensed involved in the case, including the Town's Attorney Fees
12 for prosecution of such action. Each day such violation continues shall be
13 considered a separate offense with a separate penalty.

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15 Steven D. Rubert, Chair

16 _____~S~_____
17 Steven R. Jacob, Supervisor

18 _____~S~_____
19 William Gretzinger, Supervisor

20 _____~S~_____
21 Eugene L. Niehoff, Supervisor

22 _____~S~_____
23 Carl T. Benck, Supervisor

24 PASSED ON: December 14, 2005

25 VOTED FOR: 5 AGAINST 0

POSTED ON: December 27, 2005

POSTED AT: Town Hall; Fall River Post Office; Mickelson's Mill

1 Published: December 31, 2005 in the Columbus Journal

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By:~S~

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Town of Fountain Prairie

Donna L. Waterworth

Clerk/Treasurer

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P.O. Box 16

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Fall River, WI 53932

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**TOWN OF FOUNTAIN PRAIRIE
FEE SCHEDULE FOR ORDINANCE FP ORD 2005-02
ANIMAL CARE AND LICENSES ORDINANCE**

SECTION 14 LICENSES:

The license fee shall be: \$10.00 for any unsprayed or unneutered male or female, \$5.00 for any spayed or neutered dog.

SECTION 15 KENNELS:

The application fee for kennels shall be \$10.00 payable to the Town Clerk. Non-commercial kennel fees shall be \$50.00. Commercial kennel fees shall be \$250.00.