

ORDINANCE # 2008-191

An Ordinance to Amend Section 14.04 of Chapter 14 License and Permits of the Municipal Code

Whereas the Village of Eagle currently licenses dogs for the purpose of identifying the owners of stray dogs and maintaining the health and welfare of the animals as well as people in the Village,

And whereas the Village of Eagle also finds numbers of stray cats that must be identified and returned to owners as well as maintaining the health and welfare of other animals as well as people in our community,

And whereas the Village of Eagle has no A-1 Agricultural Lands previously required to operate a kennel within the Village,

And whereas Section 14.04 of Chapter 14 should be brought to current status, all previous versions of Section 14.04 of Chapter 14 are repealed and replaced as follows:

14.04 **REGULATION OF LICENSING OF DOGS AND CATS**

1. STATUTES ADOPTED – The following sections of the Wisconsin Statutes are hereby adopted by reference.
 - (a) 174.001 (Definitions) except 174.001 (2)
 - (b) 174.01 (Restraining action against dogs)
 - (c) 174.02 (Owners liability)
 - (d) 174.02 (Dogs running at large and untagged dogs subject to impoundment) except subsection 4, penalties.
 - (e) 174.05 (Dog License Tax)
 - (f) 174.055 (Exemption of dogs for the blind)
 - (g) 174.056 (Dogs for the blind and deaf admitted to public places)
 - (h) 175.06 (Responsibility of list)
 - (i) 174.065 (Collection)
 - (j) 174.07 (Dog license and collar tags)
 - (k) 174.08 (License fees paid to county treasurer)
 - (l) 174.117 (Claims for damages)
 - (m) 174.13 (Humane use of dogs for diagnosis and treatment)
2. LIMITED NUMBER OF DOGS AND CATS - It shall be unlawful to own, harbor or keep more than three (3) dogs and/or (3) cats on any single piece or parcel of land in the Village of Eagle, except agriculturally zoned lands.
3. LICENSE FEES - The annual license fee for dogs or cats is set at \$20.00 per animal or \$15.00 per animal if documentation shows the dog or cat is spayed or neutered. License fees are due each year on April 1st, after which time an additional \$5.00 is charged.

4. OTHER RESTRICTIONS ON KEEPING OF DOGS AND CATS – It shall be unlawful for any person within the Village of Eagle to own, harbor, or keep any dog or cat which:
 - a. Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - b. Assaults or attacks any person.
 - c. Habitually barks or howls to the annoyance of any person or persons.
 - d. 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.
5. DUTY OF OWNER IN CASES OF DOG OR CAT BITES - Every owner or person harboring or keeping a dog or cat who knows that such animal has bitten any person shall immediately report such fact to the Humane Officer and shall keep such dog or cat confined for not less than 14 days or for such period of time as the Humane Officer shall direct. The owner or keeper of any such dog or cat shall surrender the animal to the Humane Officer or any Village Police Officer upon demand for examination.
6. IMPOUNDMENT –
 - a. POUND - The Village Board may provide a pound for strays or unwanted dogs or cats in the Village, or may designate a humane society or other person or organization to provide a pound for strays or unwanted dogs or cats in the Village. The service fees of the pound shall be the responsibility of the dog or cat owner.
 - b. DELIVERY – A person who captures and restrains a dog or cat shall notify the Humane Officer, or if there be none, to a Police Officer.
 - c. ATTEMPT TO NOTIFY OWNER – The pound, humane officer, organization or officer who is notified or to whom a dog or cat is delivered shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort.
 - d. ATTEMPT TO LOCATE OWNER - The officer or pound who is notified or to whom a dog or cat is delivered shall check the lost and found column of the local daily newspapers having a general circulation in the community to determine if a dog or cat is advertised which answers the description of the animal.
 - e. RECORD - The officer of pound who is notified or to whom a dog or cat is delivered shall keep a record of each dog or cat giving a description of the animal, the date of the impoundment, if any, and the description of the animal. If the dog or cat is kept by, or released to a person, the record shall include the name, address and date of delivery of the dog or cat. This record is a public record.
 - f. IMPOUNDMENT FEE – The owner of an impounded dog or cat shall pay an impoundment fee to the pound to which the dog was delivered.
 - g. BOARDING FEE – The owner of an impounded dog or cat shall pay the pound to which the dog or cat was delivered a boarding fee for each day or fraction of a day that the animal is impounded. The pound shall establish the boarding fee.
 - h. RELEASE TO OWNER - The pound to whom a dog or cat is delivered may release the dog or cat to the owner or a representative:
 - 1) The owner or representative gives his or her name and address.
 - 2) The owner or representative presents evidence that the dog or cat is licensed and presents evidence that the animal is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation.

- 3) The owner or representative pays the boarding fees and any impoundment fee for the dog or cat.
- i. **RELEASE OF DOG OR CAT TO PERSON OTHER THAN OWNER** – The officer or pound to whom a dog or cat is delivered may release to a person other than the dog or cat’s owner only if:
 - 1) The owner is unknown or does not claim the dog or cat within seven (7) days after the animal is delivered to the officer or pound.
 - 2) The person to whom the dog or cat is released gives his or her name and address.
 - 3) The person to whom the dog or cat is released signs a statement agreeing to license the animal and to have the dog vaccinated against rabies unless evidence is presented that the dog or cat is licensed and vaccinated.
 - 4) The person to whom the dog or cat is released, if required by the officer or pound, pays the boarding fees and any impoundment fee for the animal.
- j. **SACRIFICE OR USE FOR HUMANE PURPOSES IF DOG OR CAT IS UNCLAIMED** – A dog or cat which is not released to its owner or to a person other than its owner within the impoundment period is deemed an unclaimed dog or cat. The minimum impoundment period is seven (7) days, after the dog or cat is delivered to the officer or pound. The officer or pound may extend the impoundment if release of the dog or cat to the owner or a person other than the owner appears likely. The officer or pound may dispose of an unclaimed dog or cat by releasing it as provided under section 174.14, by disposing of the animal in a proper and humane manner.
7. **IMPOUNDING OR KILLING OF DOGS OR CATS** – In addition to any penalty here into after provided for a violation of this section, any person may detain and deliver to any officer any dog or cat and any police officer of the Village may kill any dog or cat which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, howls, kills, wounds, worries any domestic animal or is infected with rabies.
8. **PENALTY** – The penalty for violation of any provision of this section shall be a penalty as provided in section 30.40 of this code. A separate offense shall be deemed committed on each day upon which a violation occurs or continues.
9. **SEVERABILITY** – If any provision of this ordinance is invalid or unconstitutional, or the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

Passed and approved this 13th day of November, 2008.

VILLAGE OF EAGLE.

Richard Spurrell, Village President

Attest _____
 Shirley K. Mealy, Village Clerk