

## **Chapter 10**

### **ANIMALS**

#### **Article I. General**

- Sec. 10.100. State code adopted.
- Sec. 10.101. Nuisance.
- Sec. 10.102. Reserved.
- Sec. 10.103. Abandonment of domestic animals.
- Sec. 10.104. Reserved.
- Sec. 10.105. Reserved.

#### **Article II. Dogs**

- Sec. 10.106. Definitions.
- Sec. 10.107. License Required.
- Sec. 10.108. Restrictions on keeping dogs.
- Sec. 10.109. Killing a dog.
- Sec. 10.110. Dogs of premises.
- Sec. 10.111. Impounding of dogs.
- Sec. 10.112. Dogs running at large, unlicensed dogs, etc.
- Sec. 10.113. Claiming impounded dogs.
- Sec. 10.114. Duty of the owner in cases of dog bites.
- Sec.10.115. Number of dogs limited.

## ARTICLE I. GENERAL

### **Sec. 10.100. State code adopted.**

The provisions of Wis. Stats. Ch. 172, as amended, are incorporated verbatim by reference into this section.

### **Sec. 10.101. Nuisance.**

1. The keeping or harboring of any animal or fowl that, by frequent or habitual howling, yelping, barking, crowing or making of other noises, shall greatly annoy or disturb a neighborhood or any considerable number of persons within the town which tends to create a disturbance is hereby declared a public nuisance and is prohibited.
2. The keeping or harboring of any animal or fowl that permits an offensive odor or unusual odor in a residential district which greatly annoys or disturbs a neighborhood or any considerable number of persons within the town shall be declared a public nuisance and is prohibited.

### **Sec. 10.102. Reserved.**

### **Sec. 10.103. Abandonment of domestic animals.**

No person shall transport any domestic animal into the town for the purpose of abandoning the animal, and no person shall abandon any domestic animal within the town.

### **Sec. 10.104. Reserved.**

### **Sec. 10.105. Reserved.**

## ARTICLE II. DOGS

### **Sec. 10.106. Definitions.**

The following definitions shall apply in construing the provisions of this section, unless the context or subject matter otherwise requires:

1. "Owner" means any person owning, harboring or keeping a dog. The occupant of any premises on which a dog remains or to which it customarily returns daily within a two week period is presumed to be harboring or keeping the dog within the meaning of this Code.
2. "At large" means to be off the owner's premises and not under the control of the owner or any other person, either by leash or otherwise; provided, however, that a dog within its owner's automobile or within an automobile of any other person with the consent of the dog's owner shall be deemed to be on the dog owner's premises.
3. "Habitually" means an action or state that lasts, is done, is experienced or is repeated over a substantial period of time.

### **Sec. 10.107. Licenses required.**

No person shall own, harbor or keep any dog more than five (5) months of age without complying with Wis. Stats. §§ 174.05 through 174.10 relating to the licensing, listing and tagging of dogs.

### **Sec. 10.108. Restrictions on keeping dogs.**

No person within the town shall own, harbor or keep:

- a. Any dog which habitually pursues any vehicle upon any public street, alley or highway in the town;
- b. Any dog which assault or attacks any person;
- c. Any dog which is at large within the limits of the town;
- d. Any dog which habitually barks or howls to the annoyance of two (2) or more of its neighbors;
- e. Any dog that kills, wounds, or worries any domestic animal;
- f. Any dog that is kept for the purpose of animal fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging said animal to attack human beings or domestic animals when provoked;
- g. Any dog that is brought from another city, village, town or county that has been declared dangerous or vicious or its equivalent by that jurisdiction; or
- h. Any dog which is known by any such person to be infected with rabies or to have been bitten by any animal known to have been infected with rabies.

**Sec.10.109. Killing a dog**

- 1. A person may intentionally kill a dog if a person is threatened with serious bodily harm by the dog and other restraining actions were tried and failed; or immediate action is necessary; or
- 2. A person may intentionally kill a dog if a domestic animal that is owned or in the custody of a person is threatened with serious bodily harm by the dog and the dog is on property owned or controlled by the person and other restraining actions were tried and have failed; or immediate action is necessary.

**Sec.10.110. Dogs off premises**

Any dog found or discovered off the premises of its owner and unaccompanied by its owner or some other person in control of it, shall be considered an unlicensed dog and a private nuisance and may be seized, restrained and impounded.

**Sec. 10.111. Impounding of dogs.**

It shall be the duty of the town chairman or his/her designee to impound every dog found or known to be running at large within the town. Each dog impounded shall be taken to the Marathon County Humane Society for seven (7) days from the time of his capture, unless sooner released as hereinafter provided. Any dog remaining at the Marathon County Humane Society for a period of seven (7) days after the time of its capture may be disposed of as deemed appropriate by the town chairman or his/her designee upon the recommendation of the Marathon County Humane Society.

**Sec. 10.112. Dogs running at large, unlicensed dogs, etc.**

The town constable, board member or its designee, law officer or a person representing a duly authorized humane society may seize impound or restrain any dog that:

- 1. Is unlicensed;
- 2. Is or has been found to be running at large;

3. Habitually pursues any vehicle upon any public street, alley, or highway in the Town;
4. Assaults or attacks any person;
5. Habitually barks or howls to the annoyance of any person;
6. Kills, wounds or worries any domestic animal; or
7. Is known to be infected with rabies or to have been bitten by any animal known to have been infected with rabies.
8. Is brought into the township but has been declared dangerous or vicious by another jurisdiction.
9. Is trained, owned, or harbored primarily or in part for the purpose of fighting.

**Sec.10.113. Claiming impounded dog.**

Impounded dogs shall be forthwith delivered to the Marathon County Humane Society by the town chair or his/her designee. Any person whose dog has been impounded may obtain the animal's release from the Marathon County Humane Society by making payment to the Marathon County Humane Society for all of the costs, charges and/or expenses that were incurred as a result of the animal's impoundment. Every person taking a dog or cat from the Marathon County Humane Society shall sign a receipt therefore.

**Sec. 10.114. Duty of the owner in cases of dog bite.**

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Town Chairman or his/her designee and the Marathon County Health Department and shall keep such dog confined for not less than fourteen (14) days or for such a period of time as the Marathon County Health Department shall direct. The owner or keeper of any such dog shall surrender the dog to the Marathon County Health Department or to the Town Chairman or his/her designee upon demand for examination.

**Sec. 10.115. Number of dogs limited.**

No more than four (4) dogs shall be kept at any residence in any zoning district unless issued a conditional use permit for boarding of dogs or providing day care to operate a dog kennel as permitted in the Town of Wausau Zoning Ordinance. Upon establishing residence in the town, any person who owns more than four dogs licensed by another municipality, may be issued a temporary kennel license until nature takes its course.