

ORDINANCE NO. 3-2-05

TOWN OF SARATOGA
AN ORDINANCE TO REGULATE DOGS
WITHIN THE TOWN OF SARATOGA, WOOD CO., WISCONSIN

The Town Board of the Town of Saratoga do ordain as follows:

SECTION I—TITLE PURPOSE

The title of this ordinance is the Town of Saratoga Dog Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the control of dogs in the Town of Saratoga.

SECTION II—AUTHORITY

The town board of the Town of Saratoga has in the authority under its village powers under s.60.22, Wis. Statutes, and the specific authority under s.60.23(30), and Chapters 173 and 174, Wis. Statutes, to adopt this ordinance.

SECTION III—ADOPTION OF ORDINANCE

The town board of the Town, by this ordinance, adopted on proper notice with the quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town to regulate the control of dogs in the Town of Saratoga.

SECTION IV—DEFINITIONS

In this Ordinance:

- A. Constable means a person elected for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is elected to enforce.
- B. “Legal premises” means the real property owned or occupied by the owner of the dog.
- C. “Owner” means a person who owns, harbors, or keeps the dog.
- D. “Running at large” means off the owner’s legal premise and not under the control of the owner or some other person.
- E. “Stray dog” means a dog running at large whose owner is unknown.
- F. “Town” means the Town of Saratoga in Wood County, Wisconsin.
- G. “Wis. Stats” means Wisconsin Statutes, including successor provisions of cited statutes.

SECTION V—RESTRICTIONS ON DOGS

Except as provided in Section 6, no person may do any of the following:

- A. Allow any dog owned by that person to run at large in the Town.
- B. Allow a dog or dogs on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark or make other loud noises

that serve to greatly annoy or disturb persons within the Town. After written warning from the constable of the Town or its designee, to the owner of the dog or to the owner of the legal premise where the dog is kept, that the noise from the dog or dogs must be eliminated.

SECTION VI—EXEMPTIONS FROM SECTION 5 COVERAGE

- A. A dog that is actively engaged in the Town a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person, and the dog is on land in the Town that is open to hunting or land on which the person has obtained permission to hunt or train a dog. Training may include dog trails or other dog related outdoor events occurring in the Town where these events have been approved by the Town Board or its designee.
- B. A dog that is used by a law enforcement agency as defined in s.165.83(1)(b), Wis. Stats., in the Town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- C. A dog that is untagged and kept in the Town for educational or scientific purposes as determined by the Town Board of the Town shall not be considered untagged for purposes of this ordinance.
- D. A dog that is untagged and is kept in the Town for the blind, deaf, and mobility impaired as determined by the Town Board of the Town shall not be considered untagged for purposes of this ordinance.

SECTION VII—DOG LICENSE TAX

- A. Except for dogs that are kept only for educational or scientific purposes, the owner of the 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 on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license.
- B. The license year commences on January 1 and ends on the following December 31.
- C. A late fee of \$15.00 shall be collected from every owner of a dog 5 month of age or over, if the owner fails 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 fails to obtain a license on or before the dog reaches licensable age. All late fees received or collected shall be paid into the Town treasury as revenue of the Town.

SECTION VIII—TOWN AUTHORITY

- A. An officer of the Town shall attempt to capture and restrain any dog running at large. The Town Board authorizes the following to act under this paragraph: The Constable, Chairman, Supervisors or the Roadmen.
- B. Town officers and employees, may take into custody any dog running at large in the Town but shall timely deliver the dog to the town

pound of the South Wood County Humane Society to provide care, treatment, or disposal of dogs.

1. If the identity of the owner of the dog taken into custody under this ordinance is known or can be determined, the town constable shall notify the owner that the dog is in the Towns' custody. No dog in the custody of the Town shall be returned to the owner, or an agent of the owner, unless the dog is properly licensed.
 2. If the identity of the owner of the dog taken into the custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be turned over to the South Wood County Humane Society.
- C. The Town and its officers and agents shall comply with Chapters 173 and 174, Wis. Stats.

SECTION IX—PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$500. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION X—SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION XI—EFFECTIVE DATE

The ordinance is effective on publication.

Adopted this 2nd day of March 2005