

8.27 Dogs

(1) DEFINITIONS.

- (a) “Collar” means a band, strip, or chain placed around the neck of a dog.
- (b) “Department” means the department of agriculture, trade, and consumer protection.
- (c) “Domestic Animal” means livestock, dogs, and cats.
- (d) “Livestock” means any horse, bovine, sheep, goat, pig, lama, alpaca, domestic rabbit, and farm-raised deer.
- (e) “Officer” has the meaning designated in s. 95.21 subsection (1) (b).
- (f) “Owner” includes any person who owns, harbors, or keeps a dog.

(2) RESTRAINING ACTION AGAINST DOGS.

- (a) Killing The Dog.
 - 1. Except as provided in paragraph (2), a person may intentionally kill a dog only if a person is threatened with serious bodily harm by the dog, and:
 - a. Other restraining actions were tried and failed; or
 - b. Immediate action is necessary.
 - 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:
 - a. Other restraining actions were tried and failed; or
 - b. Immediate action is necessary.
- (b) Inapplicable To Officers and Veterinarians. This section does not apply to an officer acting in lawful performance of his or her duties or a veterinarian killing a dog in an proper or humane manner.
- (c) PENALTIES. A person who violates this section shall forfeit no more than \$500.00, together with costs of prosecution and may be ordered to pay restitution and complete community service.

(3) DOGS RUNNING AT LARGE, UNTAGGED DOGS SUBJECT TO IMPOUNDMENT, LIMITATION ON NUMBER OF DOGS; PENALTIES.

- (a) Dog Running At Large.
 - 1. It shall be unlawful for any person who owns, harbors, or keeps a dog to permit such dogs to run at large any time of year within the Village

limits.

2. Any dog which is off the premises of its owner or keeper must be under the control of an attendant.

3. It is unlawful for a dog to be within any public park or beach or the fireman's park or beach except as provided in the Village of Elkhart Lake-Glenbeulah Athletic Association Park rules and regulations (1)b14.

(b) Untagged Dog.

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 outdoors unless the dog is securely confined in a fenced area.

(c) Dog Running At Large Or Untagged Dog Subject To Impoundment.

1. An officer shall attempt to capture and restrain any dog running at large and any untagged dog.

(d) Limitation On Number of Dogs. No person may keep, harbor, shelter, or possess more than five dogs over the age of five months.

(e) Penalties.

1. If the owner of the dog negligently or otherwise permits a dog to run at large or be untagged, the owner shall forfeit not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for subsequent offenses. The owner may also be ordered to pay restitution and complete community service.

2. Any person who violates the ordinance limiting the number of dogs shall forfeit not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for subsequent offenses. The person may also be ordered to pay restitution and complete community service.

(4) IMPOUNDING DOGS.

(a) Any member of the Elkhart Lake Police Department shall seize and impound any dog found in violation of the aforesaid regulations. All such dogs seized and impounded by the police department shall be transported to the humane society. The owner or keeper of such dogs, if identified, shall be notified, and said owner or keeper may claim his dog and the Village of Elkhart Lake shall be entitled to the payment of an impounding fee. Such impounding fees shall not exceed \$10.00 for the pick up of each dog and \$30.00 for the transporting fee to the humane society.

(b) Actual seizure of a dog, license or unlicensed, running at large, by the Police Department shall not be necessary. In the event the police officer can ascertain the identity of such dog, the police officer shall notify the owner of such dog and such identity shall be sufficient evidence of which to make an arrest for any violation of this ordinance.

(5) DOG LICENSE TAX.

- (a) Requirement.
 - 1. Except as provided in s.174.054 of Wisconsin Statutes, the owner of a dog more than five months of age on January 1 of any year, or five months of age within the licensed year shall annually, on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license.
- (b) Tax.
 - 1. The minimum dog license tax is \$3.00 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed and \$8.00 for an unneutered male dog or unspayed female dog, or one-half of these amounts if the dog became five months of age after July 1 of the license year.
- (c) Additional Tax.
 - 1. The Village Board may, by resolution, raise the minimum dog license tax on dogs within its jurisdiction. If the Village Board increases the minimum tax, it shall provide that the tax for unneutered male dogs and unspayed female dogs is greater than the tax for neutered male dogs and spayed female dogs. The additional tax may not exceed the total costs of all dog licensing, regulating an impounding activity from the previous year, less any refunds which may be received under s.174.09(2) and shall be levied and collected in the same manner of other dog licensed taxes.
- (d) License Year.
 - 1. The license year commences on January 1 and ends on the following December 31.
- (e) Late Fees.
 - 1. The Village clerk shall assess and collect a late fee from every owner of a dog five months of age or over if the owner fails to obtain a license prior to April 1 of each year or within 30 days of requiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the local treasury as revenue of the Village.

(6) EXEMPTION OF DOGS FOR BLIND, DEAF, AND MOBILITY-IMPAIRED.

- (a) Every dog specially trained to lead blind or deaf persons, or to provide support for mobility-impaired persons is exempt from a dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.

(7) DOGS FOR BLIND, DEAF AND MOBILITY-IMPAIRED ADMITTED TO PUBLIC PLACES.

- (a) No person who is an owner, leasee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation, amusement or recreation, including any inns, hotels, restaurants, eating places, barbershops, billiard parlors, stores, public conveyance on land or water, theaters, motion

picture houses, public educational institutions, or elevators may refuse to permit entrance into, or use of, any such accommodations if the accommodations are available to a blind, deaf, or mobility-impaired person for the reason the person is being lead by a dog specifically trained, or being specially trained, to lead blind or deaf persons or to provide support for mobility-impaired persons, or to the trainer of that kind of dog for the reason that the trainer is accompanied by that kind of dog if:

1. Such dog is wearing a harness and a leash or special cape; and
 2. The person has presented, for inspection, credentials issued by a school for training dogs for the blind, deaf, or mobility-impaired.
- (b) PENALTIES. Any person violating Sub (a) shall forfeit not more than \$100.00, together with costs of prosecution and may be ordered to pay restitution and complete community service.

(8) DOG LICENSES AND COLLAR TAGS.

(a) Licenses Required.

1. Except as provided in Wisconsin Statutes Section 174.054, a dog license is necessary for the keeping of any dog over five months of age.
2. *Licenses.* Upon payment of the required dog license tax and upon presentation of evidence that the dog is currently immunized against rabies, the Village clerk shall complete and issue to the owner a license for the dog bearing a serial number and in the form prescribed by the department stating the date of expiration, the owner's name and address, and the name, sex, spayed, or unspayed, neutered, or unneutered, breed, and color of the dog.
3. *Tag.* After issuing the license, the Village clerk shall deliver to the owner of durable material bearing the same serial number as the license, the name of the county in which issued, and the license year.
4. *Tag To The Attached.* The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog in which the license is issued at all times but this requirement does not apply to a dog during competition or training, to a dog securely confined outdoors, to a dog while hunting, to a dog securely confined in a fenced area or to a dog while actively involved in hurting or controlling livestock if the dog is under the control of its owner.
5. *Duplicate Tags.* A new tag with a new number shall be furnished to the owner by a Village clerk in place of the original tag upon presentation of the licensed official. The Village clerk shall then endorse a new tag number on a license and shall keep a record in file.

(b) PENALTIES. All dogs living within the Village must be properly tagged and licensed according to Section 8.27. Any person who violates this section shall forfeit not more than \$500.00, together with costs of prosecution and may be ordered to pay restitution and complete community service.