

**CODE OF GENERAL ORDINANCES  
OF THE  
TOWN OF DOTY  
OCONTO COUNTY, WISCONSIN**

**CHAPTER 4: PUBLIC WELFARE**



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## **CHAPTER 4: PUBLIC WELFARE**

### **4.0100 RESERVED**

### **4.0200 RESERVED**

### **4.0300 CONTROL AND CARE OF DOGS, CATS AND PETS**

#### **4.0301 Purpose**

The purpose of this ordinance is to regulate, by tag (when applicable) and penalty, the care, treatment, and control of dogs, cats and pets in the town.

#### **4.0302 Authority**

The town board has the authority under its village powers under Wis. Stats. § 60.22, and the specific authority under Wis. Stats. § 60.23 (30), and Wis. Stats. chs. 173, 174, and 951, to adopt this ordinance.

#### **4.0303 Definitions**

- A. “Abandoned” means that a known owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section 4.0307, within 7 days after receipt by a pet owner of written notice from the town clerk-treasurer that the pet is under the possession and care of the town or its designated agents.
- B. “Legal premises” means the real property owned or occupied by the owner of a dog, cat or pet.
- C. “Owner” means a person who owns, harbors, or keeps a dog, cat or pet.
- D. “Running at large” means off the owner’s legal premises and not under the control of the owner or some other person.
- E. “Stray” means a dog, cat or pet running at large whose owner is unknown.
- F. “Untagged” means a valid license tag is not attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner’s legal premises.
- G. “Pet” means an animal primarily for a person’s company or protection, opposed to working animals, sports animals, livestock and laboratory animals.
- H. “Principal place of residence” means the entire property of the owner or possessor

#### **4.0304 Restrictions**

Except as provided in Section 4.0305 of this ordinance, no person may do any of the following:

- A. Allow any dog, cat or pet owned by that person to run at large in the town.
- B. Allow any dog owned by that person to be untagged in the town.
- C. Allow any dog, cat or pet owned by that person to be abandoned in the town.
- D. Allow a dog, cat or pet on the legal premises of its owner to continue to

frequently or habitually howl, yelp, bark, cry or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the neighborhood. Such dogs, cats or pets are hereby declared to be a public nuisance.

**4.0305 Exemptions from Section 4.0304 Coverage**

- A. A dog that is actively engaged in the town in 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 on land for which the person has obtained permission to hunt or train a dog. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the town board, or its designees.
- B. A dog that is untagged and used by a law enforcement agency as defined in Wis. Stats. §165.83(1)(b), 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 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, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

**4.0306 Dog License Tax**

- A. The owner of a dog or dogs 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, upon presentation of evidence that the dog is currently immunized against rabies, pay the dog license tax and obtain a license, except as follows:
  - 1. Dogs specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
  - 2. Dogs that are kept only for educational or scientific purposes are not required to be licensed and are exempt from the dog license tax.
- B. The license tax shall be reviewed from time to time by the town board in accordance with Wis. Stats. §174.05 (2).
- C. The license year commences on January 1 and ends on the following December 31.
- D. A late fee as provided in the town fee schedule may be collected from every owner of a dog or dogs 5 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 acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the date of the dog reaches licensable age. All late fees received or collected shall be paid into the town treasury as revenue of the town.

- E. All dogs must be vaccinated against rabies. No license shall be issued unless a dog or dogs are vaccinated, and sufficient proof of vaccination is presented with license request.

**4.0307 Town Authority – Taking Custody of Animals**

- A. A town official or designated employee of the town shall attempt to capture and restrain any dog, cat, or pet running at large or any untagged dog.
- B. Any town official or designated employee, or a law enforcement officer, on behalf of the town, may take custody of any dog, cat or pet if the town official, designated employee or law enforcement officer has reasonable grounds to believe that the animal is one of the following per Wis. Stats. §173.13:
  - 1. An abandoned or stray animal.
  - 2. A dog is not tagged as required by Wis. Stats. ch. 174.
  - 3. An animal not confined as required by a quarantine order under any statute, rule or ordinance relating to the control of any animal disease.
  - 4. An animal that has caused damage to persons or property.
  - 5. A participant in an animal fight intentionally instigated by any person.
  - 6. An animal mistreated in violation of Wis. Stats. ch. 951.
- C. If the identity of the owner of a dog, cat or pet taken into custody under this ordinance is known or can be determined, the town clerk-treasurer shall provide written notice to the owner that the dog, cat or pet is in the town’s custody and shall inform the owner that if the owner fails to claim the dog, cat or pet, have the dog properly tagged, if applicable, and pay the costs of impoundment and care incurred by the town, the dog, cat or pet will be considered abandoned. The owner may claim the dog, cat or pet upon providing reasonable evidence of ownership, the dog is properly tagged, if applicable, and all charges for custody, care, vaccination and treatment are paid per Wis. Stats. §173.23.
- D. If the identity of the owner of a dog, cat, or pet taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog, cat, or pet shall be considered a stray.
- E. Unclaimed stray or abandoned dog, cats, or pet remaining in the custody of the town will remain in the custody of the town for no more than 7 days after issuance of the notice to the owner under Section 4.0307(C) may be released to a person other than the owner, in accordance with Wis. Stats. §

173.23(1m)(a), if all of the following apply:

1. The person provides his or her name and address.
  2. If licensure is required by statute or ordinance, the animal is licensed, or assurance of licensure is given by evidence of prepayment.
  3. If vaccination is required by statute or ordinance, the animal is vaccinated, or assurance of vaccination is given by evidence of prepayment.
  4. Any charges imposed by the town for custody, care, vaccination and treatment are paid or waived.
- F. The town and its officials and agents shall comply with Wis. Stats. chs. 173-174.
- G. All persons in the town shall fully cooperate with the town regarding dogs, cats and pets in the town and shall answer frankly, fully, and truthfully all questions of the town relative to dog, cat and pet ownership, possession, and keeping all dogs, cats and pets within the town.

**4.0308 Running at Large**

- A. No owner or possessor of any dog, cat or pet shall permit the same to run at large in the town. For dogs, cats or pet running at large includes all situations in which a dog, cat or pet is:
1. Not within the principal place of residence of the owner or possessor, and,
  2. Not tied up, not securely penned, or not securely held by a chain, rope or leash.
- B. All chains, ropes and leashes shall be so placed or attached that they cannot become entangled with another animal or object and shall be sufficient length to allow animal proper exercise and convenient access to food, water and shelter. Such chain, rope or leash shall be located so as to prohibit such animal from trespassing on private property belonging to others and from causing harm or danger to person or other animals.
- C. When a dog, cat, or pet is outside the principal residence of its owner or possessor, it shall be within the control of its owner or possessor and shall be attached to a leash; which the leash, owner, or possessor shall hold or be attached to, as well as the animal.
- D. No owner or person harboring or keeping a fierce or vicious dog or dogs in heat or cat or cats in heat shall allow the same to run at large any anytime.

**4.0309 Wild, Exotic, or Vicious Animals as Pets**

- A. Purpose
- The purpose of this ordinance is for the town to regulate by permit and penalty the possession, display, sale, purchase, and exhibition of certain harmful wild animals and exotic or wild animals in the town.



B. Authority

The town board has the specific authority under Wis. Stats. § 169.43, and general authority under its village powers under Wis. Stats. § 60.22, to adopt this ordinance.

C. Definitions

In this ordinance:

1. "Bovine animal" means domestic cattle and American bison of any age or sex.
2. "Cattle" means any of the various animals of the domesticated genus *Bos*.
3. "Cervid" means a member of the family of animals that includes deer, elk, moose, caribou, reindeer, and the subfamily musk deer. "Cervid" includes all farm-raised deer.
4. "Circus" means a scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by acrobats, clowns, or trained animals is the primary attraction or principle business.
5. "Domestic animal" means any of the following:
  - (a) Domesticated cats of the subspecies *Felis silvestris catus*.
  - (b) Domesticated dogs of the subspecies *Canis lupus familiaris*.
  - (c) Rodents kept in cages, aquariums, or similar containers, including gerbils, hamsters, guinea pigs, and white mice.
  - (d) Fish kept in aquariums or self-contained bodies of water and farm-raised fish, except fish that have been released to waters of the state.
  - (e) Farm-raised deer that are kept by a person registered under Wis. Stas. §95.55.
  - (f) Livestock.
  - (g) Poultry.
  - (h) Farm-raised game birds, except farm-raised game birds that have been released to the wild.
  - (i) Ratites.
  - (j) Foxes, fitch, nutria, marten, fisher, mink, chinchilla, rabbit, or caraculs that are born, bred, and raised in captivity and are not endangered or threatened species.
  - (k) Pet birds.
  - (l) Any other animal listed as a domestic animal by rule by the Wisconsin Department of Agriculture, Trade and Consumer

Protection.

6. "Equine animal" means a horse, mule, zebra, donkey, or ass.
7. "Exotic or wild animal" means any animal that is not a domestic animal and specifically includes all of the following:
  - (a) Nonhuman primates and prosimians, including chimpanzees and monkeys.
  - (b) Felids, except domesticated cats of the subspecies *Felis silvestris catus*, including lions, tigers, and other felids generally referred to as big cats.
  - (c) Canids, except domesticated dogs of the subspecies *Canis lupus familiaris*, including foxes not born, bred, and raised in captivity, and all wolves, coyotes, and wolf hybrids.
  - (d) Ursids, including all bears.
  - (e) Elephants.
  - (f) Crocodylians, including alligators and crocodiles.
  - (g) Marsupials, including kangaroos, wallabies, and opossums.
  - (h) Hippopotami.
  - (i) Rhinoceroses.
  - (j) Hyenas.
  - (k) Mustelids, except domestic ferrets, including skunks, otters, and badgers.
  - (l) Procyonids, including raccoons and coatis.
  - (m) Dasypodidae, including anteaters, sloth, and armadillos.
  - (n) Viverrids, including mongooses, civets, and genets.
  - (o) Reptilia over 10 feet in length, including boa constrictors, pythons, and any other snakes.
  - (p) Venomous reptilia.
  - (q) Cervids, except farm-raised deer that are kept by a person registered under Wis. Stats. § 95.55.
  - (r) Camelids, except South American camelids.
8. "Farm-raised deer" means a captive cervid but includes a non-captive cervid that has an ear tag or other mark identifying it as being raised on a farm. "Farm-raised deer" does not include a cervid kept by an institution accredited by the American association of zoological parks and aquariums.
9. "Farm-raised game bird" means a captive bird of a wild nature that is not native. "Farm-raised game bird" does not include poultry or ratites,

or birds kept pursuant to a license issued under Wis. Stats. §§ 169.15, 169.19, 169.20, or 169.21.

10. "Harmful wild animal" means members of the family ursidae commonly known as bears, the species *Felis concolor* commonly known as cougars, and any other animal designated as a harmful wild animal under Wisconsin Statutes, or by rule of the Wisconsin Department of Natural Resources.
11. "Livestock" means bovine animals, equine animals, goats, poultry, sheep, swine other than wild hogs, farm-raised deer, farm-raised game birds, South American camelids, and ratites.
12. "Pet bird" means a psittacine or softbill that is not native, is not identified on the federal list of endangered and threatened species and is not a migratory bird.
13. "Poultry" means domesticated fowl, including chickens, turkeys, and waterfowl, that are bred for the primary purpose of exhibition or producing eggs or meat. "Poultry" does not include ratites.
14. "Possess" means to own, control, restrain, transport, or keep.
15. "Public zoo or aquarium" means a zoo or aquarium that is an accredited member of the American Zoo and Aquarium Association.
16. "Ratite" means a member of the group of flightless birds that includes the ostrich, emu, cassowary, kiwi, and rhea.
17. "Self-contained body of water" means a body of water that has no inlet from or outlet to a natural body of water, except that it may have pipes or similar conduits to put in or withdraw water that are equipped with barriers that prevent the passage of fish between the body of water and the other waters of the State of Wisconsin.
18. "South American camelid" means a llama, alpaca, vicuña, or guanaco.
19. "Veterinarian" means a person who is licensed in the State of Wisconsin to practice veterinary medicine under Wis. Stats. ch. 453, and who is certified under rules promulgated by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

D. Authorized Possession

1. The following persons may possess exotic or wild animals in the town:
  - (a) A person licensed by the Wisconsin Department of Natural Resources under Wis. Stats. ch. 169.
  - (b) A veterinarian, for the purpose of providing medical treatment to the animal.
  - (c) A public zoo or aquarium, with a permit issued by the town.
  - (d) A circus, with a permit issued by the town.

- (e) A person authorized by the Wisconsin Department of Natural Resources for the possession of the specific type of harmful wild animal or exotic or wild animal in the town.
  - 2. Except as provided in Section 4.0309(D)(3) , any person not included in Section 4.0309(D)(1) may possess in the town an exotic or wild animal only with a permit issued by the town board under the specific conditions established by the town board.
  - 3. A person is exempt from holding a license or other approval under Wis. Stats. § 169.04(4), or any permit from the town, to possess live native wild animals, if these wild animals are not endangered or threatened species and are any of the following:
    - (a) Arthropods.
    - (b) Chipmunks.
    - (c) Pocket gophers.
    - (d) Mice.
    - (e) Moles.
    - (f) Mollusks.
    - (g) Opossums.
    - (h) Pigeons.
    - (i) Porcupines.
    - (j) Rats.
    - (k) Shrews.
    - (l) English sparrows.
    - (m) Starlings.
    - (n) Ground squirrels.
    - (o) Red squirrels.
    - (p) Voles.
    - (q) Weasels.
- E. Exhibition of Certain Animals
- 1. No person may without a permit issued under Section 4.0309(F) display in the town for the purpose of public viewing any exotic or wild animals or harmful wild animals.
  - 2. This section shall not apply to any of the following:
    - (a) Persons that have received a license or authorization from the Wisconsin Department of Natural Resources under Wis. Stats. ch. 169.

- (b) A public zoo or aquarium, with a permit issued by the town board.
- (c) A veterinarian, for the purposes of providing medical treatment to the animal.
- (d) A circus with permits issued by the town board.

F. Permits

1. No person may exhibit, possess, sell, or purchase an exotic or wild animal or harmful wild animal in the town without a written permit from the town board.
2. The applicant for a permit shall submit an application that contains all of the following:
  - (a) The name of the applicant, any agent of the applicant, and the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.
  - (b) The address of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.
  - (c) The business and residential telephone number of the applicant, the business and residential telephone number of any agent of the applicant, and the business and residential telephone number of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.
  - (d) The age of the applicant and of the owner of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased, if different from the applicant.
  - (e) The legal description of the premises where the exotic or wild animal or harmful wild animal will be exhibited, possessed, sold, or purchased.
  - (f) The manner, if any, of keeping the exotic or wild animal or harmful wild animal.
  - (g) The type and number of wild animals or harmful wild animals, if more than one, that will be exhibited, possessed, sold, or purchased.
  - (h) Any other items requested by the town board in writing.
3. No permit for the display, possession, sale, or purchase in the town of an exotic or wild animal or a harmful wild animal shall be issued by the town board until a public hearing is held by the town board on the application for a permit. The town clerk-treasurer shall publish a notice of hearing as a class 2 notice under Wis. Stats. ch. 985, the cost of which

shall be paid by the permit applicant. The town board may, after the public hearing, issue a permit in writing only if it determines that the exhibition, possession, sale, or purchase in the town proposed by the applicant will not constitute a public nuisance or a threat to health and safety of the residents of the town. The town board may include in the permit specific conditions to protect public health and safety and to prevent a public nuisance. A permit shall be for a fixed period determined by the town board and is subject to revocation in the event of the violation of the conditions of the permit or this ordinance after an applicable public hearing and notice and determination, as provided in this subsection for an initial permit application. Upon a determined emergency condition in the town, the town board may suspend the permit without a hearing.

G. Prohibition

No person may permit an exotic or wild animal or a harmful wild animal to run at large or to be released from captivity within the town. Any exotic or wild animal or harmful wild animal running at large shall be subject to seizure, detention, and disposal.

H. Penalty Provision

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 \$20.00, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

**4.0310 Animal Waste**

It is unlawful for any owner, keeper or possessor including the walker of any dog, cat or pet to permit the animal to discharge animal excreta upon any public or private property other than the property of its owner.

**4.0311 Inhumane Treatment**

No person shall be cruel or inhumane to any animal by beating, torturing, mutilating or failing to provide it with adequate food, drink or shelter. No person shall abandon any animal within the town.

**4.0312 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 established by the town board (refer to the town bond schedule), plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

**4.0400 RESERVED**

**4.0500 PROHIBIT DEPOSIT OF RUBBISH ON ROAD/HIGHWAY**

## **RIGHT-OF-WAY**

### **4.0501 Purpose**

Yard waste shall not be placed on the town right-of-way as it can cause problems with drainage and flowage of water and block culverts. Residents and non-residents shall respect the road right-of-way by not using it for dumping of any refuse.

### **4.0502 Authority**

It shall be unlawful for any person to throw or deposit any weeds, sod, brush, leaves, yard clippings, cans, glass, gravel, stones, garbage or other waste or rubbish in or on the right-of-way of any road/highway located in the town. No person shall burn any material of any nature in or on the right-of-way of any town road/highway, and particularly the paved portion thereof in the town except as specifically authorized by the town.

### **4.0503 Penalty**

Any person violating any provision of this ordinance shall, upon conviction, pay a forfeiture established by the town board (refer to the town bond schedule), besides costs and in default of payment thereof.

**4.0600 RESERVED**

**4.0700 RESERVED**

**4.0800 RESERVED**

**4.0900 RESERVED**

**4.1000 RESERVED**

**4.1100 RESERVED**