

Chapter 6.04

DOGS

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6.04.005 Adoption of State Statute.

The Town of Burlington does hereby adopt Chapter 174 of the Wisconsin State Statutes in its entirety and does incorporate into this Chapter, except as modified herein.

6.04.010 License required.

As provided in Section 174.054, Wis. Stats., the owner or possessor of a dog more than five months of age as of January 1st of any year, or five months of age within the license year, shall annually, on or before the date the dog becomes five months of age, pay a dog license tax and obtain a license available at the Burlington Town Hall. License taxes shall be as established by resolution of the town board. Any person purchasing a dog license for a dog five months of age or over after April 1st of the license year shall pay an additional late fee. (Ord. dated 6/10/02)

6.04.020 Barking/Crying

No person shall keep or harbor a dog which habitually barks for a period of one-half hour or more or which otherwise barks so continuously as to constitute a disturbance to the peace of mind of adjacent residents or disturbs the general peace and tranquility of the public in the area. (Prior code § 12.08(2)) It shall be unlawful for any person knowingly to keep or harbor any dog

that habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this section when two formal, written complaints are filed with any Town law enforcement officer within a four-week period.

6.04.030 Rabies control.

A. Definitions. For the purpose of this subsection the following definitions shall prevail:

“Dog” means any canine animal, male or female, sexed or neutered.

“Own” means to keep, harbor or have control, charge or custody of a dog. This term shall not apply to dogs owned by others which are temporarily maintained on the premises of a veterinarian or kennel operator.

“Owner” means any person keeping, harboring or having charge or control of or permitting any dog to habitually be or remain on or be lodged or fed within such person’s house, yard or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs owned by others.

“Rabies control authority” means the police department of the town.

“Vaccination against rabies” means the inoculation of a dog with modified live virus rabies vaccine. Such vaccination must be performed by a veterinarian licensed to practice veterinary medicine in Wisconsin.

B. Rabies Vaccination Required. Every dog five months of age and older shall be vaccinated against rabies. Young dogs shall be vaccinated within thirty (30) days after they have reached five months of age. Unvaccinated dogs acquired or moved into

the town must be vaccinated within thirty (30) days after purchase or arrival, unless under five months of age, as specified above. Every dog shall at all times have a current vaccination.

2. Distribution of copies of certificate shall be: the original forwarded to the rabies control authority; first copy to owner; and the second copy retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in subsection B of this section. A metal or durable plastic tag, serially numbered shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, whether on or off the owner's premises, the collar or harness with the vaccination tag must be worn.

D. Vaccination Cost. The cost of rabies vaccination shall be borne by the owner of the dog.

E. Exception of Vaccination Requirement.

1. The provisions of this section with respect to vaccination shall not apply to any dog owned by a person temporarily remaining within the town for less than thirty (30) days, or any dog brought into the town for field trial or show purposes, nor for hunting dogs in the state for less than thirty (30) days. Such dogs shall be kept under strict supervision of the owner. However, no person shall bring any dog into the town which does not comply with the animal health laws and import regulations of Wisconsin which are applicable to dogs.

2. The provisions of this section with respect to vaccination, shall not apply to any dog which in the opinion of the veterinarian is in too poor a state of health to survive such a vaccination, or if in the opinion of the veterinarian such a vaccination shall endanger the life of the dog.

F. Impoundment of Rabies Suspects.

1. Any dog suspected of being afflicted with rabies, or any dog not vaccinated in accordance with subsection B of this section, which has bitten any person and caused an abrasion of the skin of such person, shall be seized and impounded under the supervision of the rabies control authority. The rabies control authority may permit the owner to confine the dog to the owner's premises for a period of not less than ten (10) days, or if it deems advisable may impound the dog in the town dog pound. If, upon examination by a veterinarian, the dog has no signs of rabies at the end of such impoundment, it may be released to the owner or, if in the case of a stray, it shall be disposed of in accordance with applicable law.

2. Any dog, vaccinated in accordance with subsection B of this section, which has bitten any person shall be confined by the owner or other responsible person as required by the rabies control authority for a period of ten (10) days.

G. Handling of Dogs Bitten by Rabid Animals. In the case of dogs known to have been bitten by a rabid animal, the following rules shall apply:

1. Unvaccinated Dogs.

a. In the case of dogs which are not vaccinated in accordance with subsection B of this section and which have been bitten by a known rabid animal, such bitten (exposed) dog should be immediately destroyed.

b. If the owner is unwilling to destroy the bitten (exposed) dog, strict isolation of the dog in a kennel under veterinary supervision for a minimum of six months shall be enforced.

2. If the bitten (exposed) dog is vaccinated in accordance with the provision of subsection B of this section, the dog shall be handled as follows:

a. Immediately revaccinated and confined for a period of thirty (30) days following revaccination;

b. If the dog is not immediately revaccinated, the dog shall be confined in strict isolation in a kennel for six months under the supervision of a veterinarian; or

c. The dog shall be destroyed if the owner does not comply with subdivisions (2)(a) or (b) of this subsection.

H. Impoundment of Dogs without a Valid Rabies Vaccination Tag.

1. The rabies control authority may authorize a pound or pounds, or it may enter into cooperative agreement with a licensed veterinarian for the establishment and operation of a pound.

2. Any dog found off the owner's premises and not wearing a valid rabies vaccination tag shall be impounded. All impounded dogs shall be given proper care and maintenance. Each impounded dog shall be kept and maintained at the pound for a minimum of seven days unless reclaimed earlier by the owner.

3. Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated dog may be reclaimed by its owners during the period of impoundment by payment of prescribed pound fees and complying with rabies vaccination requirement of this subsection within seventy-two (72) hours of release. Any vaccinated dog impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release. At the expiration of impoundment a dog may be claimed by payment of established pound fees and by compliance with the rabies vaccination requirement of this subsection within seventy-two (72) hours of release. If the dog is unclaimed at the end of three

days, the authority may dispose of the dog in accordance with applicable laws or rules and regulations.

I. Provision for Enforcement. To enforce the provisions of this section, authority for the control of rabies shall be delegated to the Burlington police department.

J. Pound Fees. Fees for impoundment shall be established by the rabies control authority, and shall be paid by the owner of the dog, if known.

K. Enforcement. All regulations pertaining to rabies control and licensing will be enforced by the local enforcement officers or others with regulatory authority as specified by the governing unit. (Prior code § 12.08(3))

6.04.040 Dog curbing.

Dog owners shall be responsible for cleaning of feces after their dogs on all properties, except properties owned by the pet owner or done with express permission from the property owner. Any person found to be in violation of this section shall be subject to the general penalty provisions of the ordinances codified in this chapter. (Ord. dated 5/23/02)

6.04.050 Dog kennel license.

A. Kennel Defined. "Kennel" means any property, residential, commercial, agricultural or other wherein and whereon dogs are kept for the purpose of breeding, sale, boarding, training, sporting or show purposes. The term shall also apply to any premises where more than three adult (over one year of age) dogs are kept for any purpose.

B. Kennel License Required. No person shall maintain or operate a dog kennel in the town without obtaining a license as herein provided. The application for a dog kennel license shall be filed in writing with the town clerk disclosing the name and address

of the applicant, the location at which the proposed kennel is to be kept, the number of dogs proposed to be kept, a description of various facilities of the dog kennel, and such other information as the town board may require.

A license tax of fifty dollars (\$50.00) for a kennel of twelve (12) or fewer dogs and an additional three dollars (\$3.00) for each dog in excess of twelve (12.00) and evidence that all dogs over five months of age are currently immunized against rabies are also required.

By the filing of such application, the applicant shall be deemed to have consented to an inspection, prior to the issuance of such license. The inspection will ensure that the dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the animal and the public. The town clerk may issue or deny a license based upon the inspection. If approved the town clerk shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.

C. The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. No dog bearing a kennel

tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purpose of hunting, breeding, trial, training or competition. (Ord. dated 1/9/03)