

**TOWN OF HORTONIA ORDINANCE
REGULATION AND LICENSING OF DOGS**

The Town Board of Supervisors does hereby ordain as follows:

Section 1.0 LICENSE REQUIRED

It shall be unlawful for any person in the Town of Hortonia to own, harbor or keep any dog more than 5 months of age without complying with the provisions of §174.05 through §174.09, Wisconsin Statutes, as it may be amended from time to time, relating to the listing, licensing and tagging of dogs.

SECTION 2.0 DEFINITIONS

In this section, unless the context or subject matter otherwise requires:

1. "Owner" shall mean any person owning, harboring or keeping a dog and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog within the meaning of this section.
2. "At large" means be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

SECTION 3.0 RESTRICTIONS ON KEEPING OF DOGS

1. **Harboring dogs.** It shall be unlawful for any person within the Town of Hortonia to own, harbor or keep any dog which:
 1. Habitually pursues any vehicle upon any public street, alley or highway in the Town.
 2. Assaults or attacks any person.
 3. Habitually barks or howls to the annoyance of any person or persons.
 4. Kills, wounds or worries any domestic animal.
 5. Is known to have been infected with rabies.

6. Bites persons in the Town of Hortonia.
 7. Is unlicensed within the Town of Hortonia.
2. **Dogs At Large.** No person shall allow his or her dog or dogs to run at large in the Town of Hortonia beyond the property owned or leased by that person unless the dog is accompanied by and is under the control of the owner or another person.

SECTION 4.0 SURRENDER/ CAPTURE OF DOGS

Dogs will be surrendered by the owner or by any other person in the Town of Hortonia upon demand by the Constable of the Town of Hortonia. The Constable shall attempt to capture and restrain any dog running at large, any untagged dog, or any dog violating the provisions of Section 3 above.

SECTION 5.0 REPORTING DOGBITES

Dogs will be reported by the owner or by any other person when they know that a dog has bitten any person in the Town of Hortonia. The report will be made to the Town Constable. The dog will be immediately confined by the owner or any other person reporting the dog biting any person. The dog will not be released by the owner or by any other person until the Town Constable approves the release.

SECTION 6.0 CONFINEMENT AND QUARANTINE

Dogs that are apprehended and confined shall be kept at or such pound as may be designated by Outagamie County. After a time period as determined by the pound, the dog will be either sold for inoculation, apprehension, confinement and cares costs or it will be destroyed in a careful, proper and humane manner. The owner, if he or she claims the dog, shall pay the above noted costs incurred by the pound.

SECTION 7.0 OUTAGAMIE COUNTY LICENSE REQUIRED

No person shall own or keep any dog in the Town of Hortonia unless the dog is wearing a valid Outagamie County license tag attached to its collar.

SECTION 8.0 PENALTY

Any person who shall violate any provision of this ordinance shall upon conviction thereof, 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, together with court costs, penalty assessments, and county jail assessments and in default of such

forfeiture and costs of prosecution shall be imprisoned in the county jail until said forfeiture and costs are paid, but not exceeding 30 days.

The Town Treasurer of the Town of Hortonia shall, pursuant to Chapter 174, Wis. Stats., on or before September 1 notify the District Attorney of Outagamie County of the refusal of any owner to obtain a license for keeping his or her dog in the Town of Hortonia.

SECTION 9.0 SEVERABILITY

If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Adopted and approved this 7th day of FEB, 2006.


Kevin Bolssen, Chair

ATTESTED TO:


Faye Marks, Clerk


Dennis Clegg


Bob Oudenhoven