

ORDINANCE # 25-03

BE IT ORDNANIED BY THE TOWN BOARD OF THE TOWN OF SEYMOUR, EAU CLAIRE COUNTY, WISCONSIN
AS FOLLOW:

The following Article of the Municipal Code of the Town of Seymour is hereby amended to read as follows:

TITLE 2 - COMMUNITY PROTECTION
DIVISION 1 - LAW ENFORCEMENT
CHAPTER 3 - ANIMAL CONTROL
ARTICLE 1 - ANIMAL CONTROL REGULATIONS

2-1.0301 HUMANE OFFICER: APPOINTMENT AND COMPENSATION.

Eau Claire County Humane Association is contracted by the Town of Seymour for animal control. All employees of the Eau Claire County Humane Association who hold current certification under §173.27(3) Wisconsin Statutes, are appointed Town Humane Officers.

2-1.0302 APPOINTMENT OF HEARING OFFICER.

The Chairperson, or any Town Supervisor appointed by the Chairperson, may modify or withdraw abatement orders issued under §173.11 Wisconsin Statutes, by Town Humane Officers.

2-1.0303 PURPOSE. The purpose of this Ordinance is to regulate and control dogs, cats and other animals within the limits of the Town and to safeguard and protect property and the general public and to provide regulations to prevent cruelty to all animals. This ordinance applies to all animals within the Town.

2-1.0305 DEFINITIONS. Unless the context requires otherwise, the following definitions shall apply:

- A. Animal: means a living creature, not human, and being either domestic or wild.
- B. Animal Shelter: means the animal shelter operation of the Eau Claire County Humane Association, which is the designated place for the proper care of impounded animals held under the authority of this Article.
- C. At Large: means an animal off the premises of the owner. An animal properly licensed as required by this Article shall not be deemed at large if such animal: (1) is on the premises of the owner; (2) is under the control of a person competent to restrain and control the animal, either by leash, cord, chain or other similar restraint not more than ten (10) feet in length or properly restrained within a motor vehicle; or (3) is properly housed in a veterinary hospital or licensed kennel, pet shop or the designated animal shelter.
- D. Cat: means all members of the *Felis domestica* species, male or female, altered or unaltered.
- E. Competent Person: means a person of such maturity as to be able to exercise control over an animal.
- F. Dog: means all dogs, male or female, altered or unaltered.
- G. Owner: is intended to mean any person or persons owning, keeping or harboring a dog, cat, horse or other animal.
- H. Harbor: means to feed or shelter an animal for more than 72 hours.
- I. Household is intended to include all persons, whether related or not, living at the same property address.
- J. Keep: means to harbor and exercise some degree of control or management of an animal.

2-1.0308 RUNNING AT LARGE PROHIBITED. No owner of any animal shall allow such animal to run at large within the limits of the Town. The owner of said animal shall be held responsible and subject to penalty. Dogs, cats and other domestic animals shall not be considered running at large when a property owner other than the animal's owner has given permission for the animal to be present on his or her property. Dogs used for hunting purposes on public or private lands shall not be considered running at large if the dog owner is present and has the dog under his or her control by voice or whistle command.

2-1.0310 UNLAWFUL TO CAUSE HARM OR INJURY. No person shall cause, permit or suffer to permit a dog, cat or other animal to attack or kill any person or domestic animal. This Section applies to any owner of the offending animal, any person charged with its care or any person providing its care. It is not a defense to a charge of violating this provision that the attacking and killing occurred all or in part on the premises owned, controlled or occupied by the defendant.

2-1.0312 UNLAWFUL TO PLACE PERSONS IN FEAR OF INJURY. No person shall cause, urge, permit or suffer a dog, cat or other animal to place any person or other animals in reasonable fear of attack or injury.

2-1.0315 CRUELTY TO ANIMALS PROHIBITED. No person shall torture, torment, deprive of necessary subsistence, mutilate, cruelly beat or cruelly kill any animal, or unnecessarily fail to provide the same with proper food, drink, shelter or protection from the weather or cruelly abandon same or commit any other act or omission by which unjustifiable pain, distress, suffering or death is caused or permitted to any animal either maliciously, willfully or negligently.

2-1.0317 ANIMAL NUISANCES. The owner of any dog, cat or other animal shall not permit such dog, cat or other animal to become a nuisance to the public by any of the following:

- A. Being an annoyance or disturbance to any person other than the owner by frequent and habitual barking, howling, yelping, hissing, meowing or fighting.
- B. Defacing, scratching or marring any personal property other than that of the owner of said animal.
- C. Entering any property where food or drink is sold unless provided for otherwise under Statutes.
- D. Allowing such animals to defecate on property other than the animal owner's property without cleaning up the droppings.
- E. No person shall harbor or keep any dog or any other animal, which is a public nuisance.
- F. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee. This section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.
- G. EXCEPTION. Farms, Farm Animals and Farm Operations shall not be found to be an annoyance or nuisance under this ordinance.

2-1.0320 ANIMALS AND SPECIES PROHIBITED Animals of the species or classifications named in this section are hereby declared to be a nuisance within the Town and may not be kept by any person:

- A. Poisonous snakes, and Constrictor snakes (Boas, Boinaes, Pythons, etc.)
- B. Poisonous reptiles,
- C. Poisonous fish,
- D. Electric eels,
- E. Alligators and crocodiles,
- F. Cougars, wild cats, lions, or mountain lions,

G. Bears, unless kept by a licensed wildlife rehabilitator or the owner has a current DNR permit to do so, and the owner has, by January 30 of each calendar year, displayed the original permit to the Town Clerk and provided the Town Clerk with an exact copy of such permit.

H. Any primate

2-1.0322 LIMITATIONS ON NUMBER OF DOGS

No person shall own or keep more than five (5) dogs in the residential zoning districts (including R1L, R1M, R2, and R3) without a commercial kennel license. Except for litters born on the property for 12 weeks.

2-1.0325 KENNEL LICENSE REQUIREMENTS

A. No household shall maintain or operate a dog kennel in the Town of Seymour without obtaining a dog kennel license as provided in this section. The application for a dog kennel license shall be filed in writing with the Town Clerk Treasurer 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 the town board may require.

B. An application/license fee as per the Fee Schedule in Appendix A, shall accompany the applicant for a kennel license.

C. By filing of such application, the applicant shall be deemed to have consented to an inspection of the proposed kennel premises, prior to the issuance of such license and periodically thereafter, by the town board, a town health officer, any other town officer, or any agent of the town board, for the purpose of determining whether or not such license should be granted. The town board may issue or deny a license in the exercise of its discretion, having regard to the effect of the establishment of such dog kennel upon the public health, safety and welfare. The town board or designee shall report to the town board any condition pertaining to the premises upon which a kennel is situated that might be detrimental or inhumane to the dogs to be kept or that constitutes a hazard with respect to health and sanitation.

D. No premises shall be licensed to allow use as a dog kennel if any of the buildings or enclosed yards used for keeping dogs, or portions thereof are located closer than 500 feet to the nearest adjacent lot line. All buildings and dog yards used for the dog kennel shall be enclosed in a secure fence enclosure of not less than six feet in height. Every 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 public.

E. Within thirty (30) days of receipt of the dog kennel license application or renewal application, the town board shall decide whether to approve or deny the application.

F. The town board may at any time revoke any dog kennel license issued for a dog kennel if it is determined that this article has been violated. No license may be revoked until after a hearing is held before the town board upon at least 10 days' notice.

G. All dog kennel licenses issued under this Ordinance shall have a term of one (1) year, from January 1 to December 31. Any person obtaining a dog kennel license must reapply for the kennel license on an annual basis by filing renewal applications on or before November 1 of each year after issuance.

H. The Town Board may make an exception as to any part of this ordinance and allow a dog kennel license to an applicant that does not adhere to the provision set forth in this Ordinance if doing so is not contrary to the health, comfort, safety and welfare of the public.

I. The provisions of 174.053 Stats regarding multiple dog licenses. are hereby incorporated herein by reference.

2-1.0327 OWNER OR PERSON IN CHARGE OF ANIMAL TO KEEP PLACE IN SANITARY CONDITION. The owner or person in charge of any dog, cat, horse or other animal shall keep the premises where the animal is kept in a clean and sanitary condition at all times.

2-1.0328 CONFINEMENT OF FEMALE DOGS AND CATS IN HEAT. The owner of any female dog or cat in heat shall confine said female dog or cat in a building which is completely enclosed, housed in a veterinary hospital or licensed kennel or within the owner's yard enclosed by a fence or other structure having a height of at least 42 inches. Nothing in this Section, however, shall be construed as prohibiting any competent and responsible person from walking said dog or cat with a leash, cord, chain or other similar restraint not more than ten (10) feet in length or from transporting such dog or cat within a motor vehicle under proper restraint.

2-1.030 ANIMALNAPPING. No person shall take the dog, cat or other animal of another from one place to another without the owner's consent or cause such dog, cat or other animal to be confined or carried out of the Town or held for any purpose without the owner's consent. This Section does not apply to enforcement officials including the Town Law Enforcement Coordinator and Animal Control Officer engaged in the exercise of their official duties under this Title.

2-1.0332 DANGEROUS AND VICIOUS ANIMALS

- A. No person shall own, harbor, keep or maintain any dangerous or vicious dogs in the Town.
- B. No person shall bring into the Town any dog which has been deemed vicious or dangerous in another jurisdiction or any dog ordered removed from another jurisdiction.
- C. No person shall interfere with or provide false information to the Animal Control Officer or other official during the investigation or capture of a dangerous or vicious dog.
- D. An Animal Control Officer may impound any dog suspected of being dangerous or vicious, for a period not to exceed 30 days or order the animal to be removed from the Town.
- E. Upon receipt of a written order to remove a dangerous or vicious dog from an Animal Control Officer, the owner shall confine the animal immediately if it is not impounded and comply with the removal order within seven days.
- F. An Animal Control Officer may destroy, or arrange for the destruction of, a vicious dog with the consent of the dog owner or begin the process to have the dog destroyed per pursuant to 174.02(3), Stats.
- G. All orders of the Town shall be in writing and promptly served upon the owner or mailed to the owner by Certified Mail at the owner's last known address.
- H. EXEMPTION. The provisions of this section shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

2-1.0333 MAD, VICIOUS, SUSPICION OF RABIES – QUARANTINE AND DESTRUCTION

- A. No person shall harbor or keep any animal infected with rabies, or any animal bitten by a rabid animal. No person shall fail to report to the Animal Control Officer, Sheriff and the Health Department on the existence of an animal which is so infected. It shall be a defense to a charge of violating this paragraph if the person did not know, and did not have reasonable cause to believe, that the animal was infected with rabies or had been bitten by an animal infected with rabies.
- B. In all cases hereunder, if any dog, cat, or other domestic animal is found to exhibit signs of rabies, it shall be destroyed, and no person shall interfere with the Town authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or other domestic animal.
- C. Any dog, cat, or other domestic animal which has bitten any person, and which shows evidence of a current rabies inoculation shall be quarantined at such place as designated by the health department for a minimum period of ten days. The dog, cat, or other domestic animal shall be examined by a licensed veterinarian within 24 hours of a quarantine notice and again on the tenth day after the bite. If, in the opinion of the Health Department, the vaccinated animal cannot be confined securely at the residence of its owner or custodian or exhibits signs of illness as determined by a licensed veterinarian, the dog,

cat, or other domestic animal shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.

D. Any dog, cat, or other domestic animal which has bitten any person, and which does not display evidence of rabies inoculation shall be quarantined within 24 hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten days.

"Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog, cat, or domestic animal has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such a veterinarian shall report his or her determination or findings thereof in writing to the Health Department.

E. Any domesticated wild animal that has bitten any person, including, but not limited to, wolf-dog hybrids, skunks and raccoons shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the State Lab of Hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

F. If a dog, cat, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or other domestic animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.

G. If a dog, cat, or other domestic animal is ordered to be quarantined because there is reason to believe the animal has been exposed to a rabid animal, and if the dog, cat, or other domestic animal is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

H. No person, other than the Animal Control Officer, Law Enforcement Officer, or veterinarian, shall kill or cause to be killed, any domesticated animal suspected of being rabid. The animal suspected of being rabid shall be placed in quarantine, and the diagnosis of rabies made by a licensed veterinarian. If a veterinarian does diagnose rabies in an animal in quarantine, then the animal shall be humanely euthanized, and the head of such animal sent to a laboratory for pathological examination and confirmation of the diagnosis.

2-1.0335 APPREHENSION AND IMPOUNDMENT.

A. It shall be the duty of the Town Law Enforcement Coordinator or the Animal Control Officer to cause to be taken up and impounded any dog, cat or any other animal found to be at large within the Town contrary to the provisions of this Article or reasonably believed by the Town Law Enforcement Coordinator or Animal Control Officer to have committed one or more of the acts described in Section 4 or Section 5 which would subject the owner thereof to penalty.

B. The provisions of 951.15 "Abandoning Animals" and 951.18 Stats. "Penalties" are incorporated herein by reference.

2-1.0336 IMPOUNDMENT AND DISPOSAL FEES. Impoundment and disposal fees shall be established and collected as may be determined from time to time by the designated animal shelter of the Town.

2-1.0340 ANNUAL DOG LICENSE REQUIRED. The owner of all dogs five (5) months of age or older shall annually obtain a license therefore as hereinafter provided.

2-1.0341 LICENSE APPLICATION. The owner or keeper of a dog for which a license is required, shall on or before the first day of January of each year apply for a license from the Clerk Treasurer or other authorized agent of the Town for each dog owned by him.

A. A fee for each license shall be charged as provided for in Section 21. Applications made on or after April 1 of each year shall be delinquent and a late fee in accordance with State Statutes shall be applied per dog. See fee schedule Appendix A.

B. Applications for licenses shall be in writing on forms provided by the Town.

2-1.0343 VACCINATION OF DOGS AND CATS.

A. The owner of any dog or cat in the Town over the age of five (5) months shall have such dog or cat inoculated for the prevention of rabies by a licensed veterinarian. The owner shall be responsible that evidence of said anti-rabies inoculation be attached to a substantial collar kept on the dog. Such evidence of inoculation shall be removed by the owner when the effect of the vaccination as stated by the veterinarian expires.

B. An owner who imports a dog or cat into Eau Claire County that has reached five months of age must have a current rabies vaccination certificate for the animal.

C. The owner of a dog or cat shall have the animal vaccinated for rabies:

1. Within one year after initial vaccination; or
2. Before the date that the immunization expires, as stated on the certificate

2-1.0345 LICENSE FEES. No person shall own or keep a dog over the age of five (5) months within the limits of the Town without first obtaining a license from the Town Clerk Treasurer or other authorized agent of the Town by application. See Appendix A for license fee or one-half of these amounts if the dog became 5 months of age after July 1 of the license year. A late fee in accordance with the Statutes shall be applied per dog after April 1 of each year. See Appendix A for late fee amount. A multiple dog license can be applied for by those with a town kennel license or anyone permitted to have more than 5 dogs. See Appendix A for license fee. Exemptions to the license fee shall be granted in accordance with 174.054 and 174.055 Stats.

2-1.0347 LICENSE TAG. Upon receipt of the application and payment of the required fee, the Town Clerk Treasurer shall deliver or mail to the applicant a license which shall be in the form of a metal tag.

2-1.0348 USE OF LICENSE TAG. License tags shall be attached by the owner to a substantial collar and during the term of the license shall be at all times kept on the dog for which the license was issued. Upon expiration of said license, the owner shall remove said tag from the animal.

2-1.0349 TRANSFER OR CHANGE OF OWNERSHIP. When the permanent ownership of a dog is transferred, the Town Clerk Treasurer upon notification may transfer the license by notation on a license record giving the name and address of the new owner.

2-1.0305 TAG NOT TRANSFERABLE. A license tag issued for one dog shall not be transferable to another dog.

2-1.0350 DURATION OF LICENSE. All licenses shall expire on December 31st of the year of issuance.

2-1.0351 EXEMPTIONS TO LICENSE REQUIREMENTS. The requirements of licensing dogs shall not apply to such dog if:

- A. In transit through the Town only.
- B. First thirty (30) days of residency by the owner.
- C. Housed in a veterinary hospital or the designated animal shelter.
- D. Housed temporarily in an animal grooming shop.
- E. Exempt from the license requirement by 174.054 Stats (Dogs kept for educational or scientific purposes)

F. Exempt from the license requirement by 174.055 Stats. (Dogs for blind, deaf and mobility impaired)

2-1.0355 ENFORCEMENT, PENALTIES AND FEES

A. The Animal Control Officer or any person designated by The State of Wisconsin, a municipal government, a humane society or any person authorized by the Town is authorized to enforce the provisions of this ordinance.

B. A violation of this article shall be punishable by a forfeiture of not less than \$50.00 nor more than \$500.00. (Class B)

C. Each day that any violation of this ordinance continues shall be deemed a separate offense.

Adopted this 12th day of May, 2025

A handwritten signature in dark ink, appearing to read "John G. Ailie", written over a horizontal line.

John Ailie, Town Chair

Attest:

A handwritten signature in dark ink, appearing to read "Jean Eisold", written over a horizontal line.

Jean Eisold, Clerk/Treasurer