

Title 7 - LICENSING AND REGULATION

Chapter 1 - REGULATION OF ANIMALS

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7.1.1 Definitions.

7.1.1.01 Definitions

In this Chapter, unless the context or subject matter otherwise require:

- (A) "Animal" means mammals, reptiles and birds.
- (B) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
- (C) "Cat" shall mean any feline, regardless of age or sex.
- (D) "Collar" means a band, strip or chain placed around the neck of a dog.
- (E) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
- (F) "Dog" shall mean any canine, regardless of age or sex.
- (G) "Domestic animal" includes livestock, dogs and cats.
- (H) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
- (I) "Law Enforcement Officer" has that meaning as appears in [Sec. 967.02\(5\)](#), Wis. Stats., and includes a humane officer under [Sec. 173.03](#), Wis. Stats., but does not include a conservation warden appointed under [Sec. 23.10](#), Wis. Stats.
- (J) "Livestock" means any horse, bovine, sheep, goat, pig, llama, alpaca, domestic rabbit, farm-raised deer, as defined in Sec. 95.001(1)(ag), or domestic fowl, including any farm-raised game bird, as defined in Sec. 169.01(12m).
- (K) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
- (L) "Officer" has the meaning designated under Sec. 95.21(1)(b).
- (M) "Owner" includes any person who owns, harbors or keeps a dog.
- (N) "Pet" means an animal kept and treated as a pet.

State Law Reference: [Secs. 174.05 through 174.09](#), Wis. Stats.

7.1.2 Dog License Required.

7.1.2.01 License Required

It shall be unlawful for any person in the Town of Grafton to own, harbor or keep any dog of more than five (5) months of age without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

7.1.2.02 Exemption of Dogs for Blind, Deaf and Mobility-Impaired

Pursuant to Sec. 174.055, Wis. Stats., every dog 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 Town upon application.

7.1.3 Rabies Vaccination Required for License.

7.1.3.01 Rabies Vaccination

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Town of Grafton after the dog has reached four (4) months of age, the owner

shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Town unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the immunization revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of [Sec. 95.21\(2\)](#), Wis. Stats.

7.1.3.02 Issuance of Certificate of Rabies Vaccination

A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number stating the owners' name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Town.

7.1.3.03 Copies of Certificate

The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

7.1.3.04 Rabies Vaccination Tag

After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

7.1.3.05 Tag to be Attached

The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of Secs. 7.1.3.01-7.1.3.06 do not apply to a dog which is not required to be vaccinated under this Code or the Wisconsin Statutes.

7.1.3.06 Duplicate Tag

The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

7.1.3.07 Cost

The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

7.1.4 Issuance of Dog Licenses.

7.1.4.01 Dog Licenses

- (A) It shall be unlawful for any person in the Town of Grafton to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of [Secs. 174.05 through Sec. 174.09](#), Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
- (B) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
- (C) The license tax under this Section shall be as provided in Title 1, Ch. 3.
- (D) The license year shall commence January 1 and end December 31.
- (E) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7.1.3 of this Chapter, the Town Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Town Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (F) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7.1.3.05.
- (G) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the Town of Grafton continues to be unlicensed constitutes a separate offense for which a separate penalty applies.
- (H) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Town Treasurer upon application therefor.

7.1.4.02 Multiple Dog Licenses

- (A) Any person who keeps more than one dog may, instead of the license tax for each dog required by this Chapter, apply for a multiple dog license for the keeping of the dogs. Upon payment of the required license tax and, if required by the Town Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Town Treasurer or his deputy shall issue the multiple dog license and the number of tags equal to the number of dogs authorized to be kept by the person..
- (B) Multiple dog license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of dogs for which a multiple dog license has been issued shall keep at all times a multiple dog license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a multiple dog 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 if the other dog is currently immunized against rabies. 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 multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is in leash or temporarily out for the purposes of hunting, breeding, trial, training, or competition.

- (C) Applicability of other requirements. Unless clearly inapplicable, all other provisions of this Chapter relating to the individual dog license tax, licenses, and tags shall apply to the multiple dog license and tax.

7.1.5 Late Fees.

The Town Treasurer shall assess and collect a late fee as set by the Town Board from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

7.1.6 Listing.

7.1.6.01 Responsibility to List

The Town shall annually, by September 1, ascertain by diligent inquiry the dogs owned or kept within the assessment district.

7.1.6.02 Listing Official

The Town Treasurer is designated as the listing official for the Town.

7.1.6.03 Cooperation With Listing Official

Every person shall answer frankly and fully all questions asked by the listing official relative to the ownership or keeping of dogs within the Town.

7.1.6.04 Records

The listing official shall enter in the records for personal property assessments, or in a separate record, all dogs in the Town subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or unneutered, breed and color of each dog. The listing official shall make in triplicate a list of the owners of all dogs assessed.

7.1.6.05 List Delivery

The listing official shall, by September 15, deliver one copy of the list to the county clerk and one copy to the official to whom license taxes are paid under Sec. 174.08, Wis. Stats., and retain one copy for his or her files.

7.1.7 Rabies Quarantine.

7.1.7.01 Dogs and Cats Confined

If a district is quarantined for rabies, all dogs and cats within the Town shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Town Clerk shall promptly post in at least three (3) public places in the Town notices of quarantine.

7.1.7.02 Exemption of Vaccinated Dog or Cat From Town Quarantine

A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Town quarantine provisions of Subsection 7.1.7.01 if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

7.1.7.03 Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies

- (A) Quarantine or sacrifice of dog or cat. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
- (B) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

7.1.7.04 Quarantine of Dog or Cat

- (A) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24), hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
- (B) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (C) Risk to animal health.
 - (1) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
 - (2) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (D) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended

observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

7.1.7.05 Delivery; Examination by Laboratory of Hygiene

An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Town, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

7.1.7.06 Cooperation of Veterinarian

Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Town, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

7.1.7.07 Responsibility for Quarantine and Laboratory Expenses

The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, reparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

7.1.8 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

7.1.8.01 Restrictions

It shall be unlawful for any person within the Town of Grafton to own, harbor or keep any dog or cat which:

- (A) Habitually pursues any vehicle upon any public street, alley or highway in the Town;
- (B) Assaults or attacks any person or destroys property;
- (C) Is at large within the limits of the Town;
- (D) Habitually barks or howls to the annoyance of any person or persons. (See Section 7.1.13);
- (E) Kills or wounds any domestic animal;
- (F) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies; or
- (G) In the case of a dog, is unlicensed.

7.1.8.02 Vicious Dogs and Animals

- (A) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Subsection, a dog shall be deemed as being of a vicious disposition within any twelve (12) month period it bites two (2) or

more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.

- (B) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

7.1.8.03 Animals Running at Large

- (A) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Town. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Town Code to be licensed shall be seized and impounded by a humane or law enforcement officer.
- (B) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

7.1.8.04 Owner's Liability for Damage Caused by Dogs; Penalties

The provisions of [Sec. 174.02](#), Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

7.1.9 Impoundment of Animals.

7.1.9.01 Animal Control Agency

- (A) The Town of Grafton may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
- (B) The Town of Grafton does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.

7.1.9.02 Impounding of Animals

In addition to any penalty hereinafter provided for a violation of this Chapter, any law enforcement or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Town, assaults or attacks any person, is at large within the Town, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Town for any damages it sustains for improper or illegal seizure.

7.1.9.03 Claiming Animal; Disposal of Unclaimed Animals

After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with

reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for fourteen (14) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Town Board. No animal shall be released from the pound without being properly licensed if so required by state law or Town Ordinance.

7.1.9.04 Sale of Impounded Animals

If the owner does not reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.

7.1.9.05 Town Not Liable for Impounding Animals

The Town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

7.1.10 Dogs and Cats Restricted on Cemeteries.

No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind or hearing impaired persons shall be exempt from this Section.

7.1.11 Animal Feces

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

7.1.12 Injury to Property by Animals

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

7.1.13 Barking Dogs or Crying Cats

It shall be unlawful for any person knowingly to keep or harbor any dog which 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 (2) formal, written complaints are filed with the Town within a four (4) week period.

7.1.14 Penalties.

The penalties for violation of any of the provisions of this ordinance shall be as provided in Sec. 1.1.6, TGO.

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