

ORDINANCE NO. 29-A

AN ORDINANCE REGULATING, LICENSING AND/OR REGISTERING
DOGS, CATS AND OTHER ANIMALS PURSUANT TO SECTION 29
OF THE CODE OF ORDINANCES OF THE TOWN OF BROCKWAY

The Town Board of the Town of Brockway, Jackson County, Wisconsin, do
ordain as follows:

SECTION 1. Ordinance Number 29-A of the Town of Brockway is hereby
repealed and recreated so as to read as follows:

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

- (A) "Owner" shall mean any person owning, harboring, or keeping a
dog, cat or other animal. The occupant of any premise in which a
dog, cat or other animal remains or to which a dog, cat or other
animal customarily returns daily for a period of ten consecutive
(10) days is presumed to be harboring or keeping the dog, cat or
other animal within the meaning of this Ordinance.
- (B) "Dog" shall mean any canine, regardless of age or sex.
- (C) "Cat" shall mean any domesticated feline, regardless of age or sex.

2. Restrictions on Keeping of Dogs and Cats. It shall be unlawful for any
person to own, keep or have in their possession a dog or a cat which:

- (A) Habitually pursues vehicles, bicycles or persons on public streets,
alleys, highways or sidewalks.
- (B) Has attacked or bitten any person or is vicious (Showing that an
animal has attacked, bitten or injured a person without provocation
shall constitute a prima facie showing that such animal is vicious.)
- (C) Is at large within the limits of the Town.
- (D) Habitually barks, cries or howls to the annoyance of any person or
persons.
- (E) Keep in his/her possession a dog which has not been licensed or
vaccinated as required by the Town of Brockway Ordinances.
- (F) Kills, wounds or worries any domestic animals.

- (2) All of said dogs and cats have received rabies immunization for each animal and proof thereof is furnished to the Town of Brockway personnel empowered to enforce this Ordinance.
- (3) It is to be made clear that this exemption does not authorize said person to replace any dog or cat in excess of the limitations set forth herein which would then exceed the maximum number of four (4) dogs or cats.
- (C) Multi-Family Residences/Mobile Home Park. A person who resides in multi-family residences or in a mobile home park within the Town of Brockway may keep or possess two (2) cats or two (2) dogs or any combination of three (3) such animals.

5. Licenses/Registration Required.

- (A) Every person owning, harboring or keeping a dog within the Town of Brockway more the 5 months old on January 1 of any year of which reaches the age of 5 months of age within the license year shall annually or within thirty (30) days from the date such dog becomes 5 months old in the manner provided by law for the payment of personal property taxes, pay a dog license tax and obtain a license therefore as provided by Sections 174.05 and 174.07 of the Wisconsin Statutes which sections so far as applicable are hereby adopted by reference.
- (B) All cats shall be required to wear a collar or identifying tag. Cats running at large without a collar or identifying tag within the Town limits may be subject to seizure by personnel empowered to enforce this Ordinance. All cats shall be required to be vaccinated for rabies. The owner shall maintain a record of the vaccination in case proof is required.

6. Prohibited Areas. Dogs shall not be permitted to be within the Town of Brockway cemetery.

7. Rabies. All dogs and cats shall be vaccinated for rabies within thirty (30) days after reaching the age of 5 months. Unvaccinated dogs or cats over 5 months of age acquired or moved into Town must be vaccinated within thirty (30) days after their purchase or arrival. All dogs and cats vaccinated at under 1 year shall be re-vaccinated twelve (12) months after the initial vaccination. Thereafter, every dog or cat within the Town of Brockway shall be re-vaccinated at not more than thirty-six (36) month intervals with a three (3) year vaccine or at twelve (12) month intervals with a twelve (12) month vaccine.

8. Duty of Owner in Case of Dog or Cat Bites. Every owner or person harboring or keeping a dog or cat within the Town of Brockway who knows that such dog or cat has bitten any person shall immediately report such occurrence in writing to the appropriate law enforcement agency. Such owner shall keep such dog or cat confined for not less than ten (10) days or for such a period of time as the appropriate law enforcement agency shall direct. Upon demand, the owner or keeper of any such dog or cat shall surrender the dog or cat to the Town of Brockway Police Department for examination of purposes.

9. Impounding or Killing of Dogs. In addition to any penalty hereinafter provided for a violation of this Ordinance, any person may impound any dog or cat and the Town of Brockway Police Department or designated law enforcement personnel may destroy any dog or cat which habitually pursues any vehicle or person upon any street, alley or highway of this Town, or habitually barks, cries, howls, kills, sounds or worries any domestic animal or is infected with rabies. Return of a dog or cat to an owner impounded under this Ordinance shall be obtained by paying such fees as required by the Jackson County Animal Shelter. A dog or cat impounded for a period of seven (7) days or more may be destroyed by or under the direction of the Jackson County Animal Shelter. Cats or dogs impounded may also be neutered at the discretion of the Jackson County Animal Shelter.

10. Dog Under Control of Owner. A dog shall be considered under the control of its owner when it is restrained by chain, leash or rope, is contained or controlled by an electronic barrier or wireless restraint system, or under the verbal or visual command of its owner/agent or responsible person.

11. Other Animals Prohibited. No person within the Town of Brockway shall bring into, keep, maintain, offer for sale or release to the wild any of the following animals:

- (A) Any fowl, turkey, ducks, chickens, geese, sheep, swine (including potbellied pigs), goats, or any domesticated livestock unless authorized by the Town Board of the Town of Brockway for purposes of display, performance or agricultural operation.
- (B) Any wild animals, primate and wolf-dog hybrids.
- (C) Any poisonous or venomous, biting or injecting species of reptiles or insects, amphibians, arachnids or bees.
- (D) Snakes not indigenous to Wisconsin or any snake over three (3) feet long.

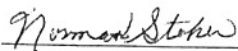
12. Penalty. Any person who shall violate any provision of this Ordinance shall upon conviction thereof forfeit not less than TWENTY-FIVE (\$25.00) DOLLARS

nor more than THREE HUNDRED (\$300.00) DOLLARS together with the costs of prosecution any upon default of payment of such forfeiture and costs of prosecution may be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty (30) days.

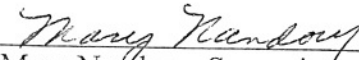
SECTION 2. SEVERABILITY. If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3. CONFLICTING ORDINANCES. All other ordinances or parts of ordinances of the Town of Brockway inconsistent or in conflict herewith are hereby repealed.

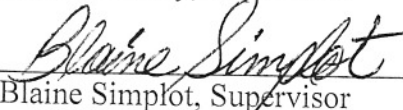
SECTION 4. EFFECTIVE DATE. Upon passage and publication, this ordinance shall take effect and be in force as provided by law.



Norman Stoker, Chairman

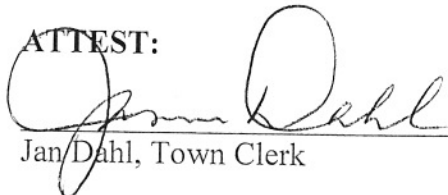


Mary Nandory, Supervisor



Blaine Simplot, Supervisor

ATTEST:


Jan Dahl, Town Clerk

DATED: 1-12-05

PASSED: 1-12-05

PUBLISHED: 1-19-05