

Chapter 203

ANIMALS

[HISTORY: Adopted by the Town Board of the Town of Buchanan 11-4-1997 as Ch. 14 of the 1997 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Health and sanitation — See Ch. 321

Noise — See Ch. 400.

Nuisances — See Ch. 404.

Zoning — See Ch. 525.

ARTICLE I

General Provisions

§ 203-1. Keeping of animals and fowl.

All structures, pens, buildings, stables, coops, or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, including, without limitation, free of rodents, vermin, and objectionable odors.

§ 203-2. Farm animals. [Added 11-17-2009 by Ord. No. 2009-06]

- A. Statutory authority. Pursuant to § 60.22(3), Wis. Stats., the Town Board of the Town of Buchanan hereby regulates the keeping of farm animals in certain areas in the Town of Buchanan as described herein.
- B. Purpose. The purpose of this section is to regulate the keeping of farm animals within certain areas in the Town of Buchanan for the public interest, welfare and health.
- C. Definitions. As used in this section, the following terms shall have the meanings indicated:

FARM ANIMALS — Horses, donkeys, cows, pigs, goats, sheep, ducks, geese, turkeys, chickens, roosters, llamas and alpacas, regardless of animal size or age. Farm animals shall also include other livestock or animals kept for profit, for hobby, for labor or for food or fiber which are not customary and usual house pet animals (dog, cat, etc.) maintained within the primary residential structure.

OWNER — Includes owner, owners, tenants, lessees and/or occupants.

- D. Restrictions on farm animals. No farm animal shall be raised, harbored, cared for or provided for on any parcel of land in the Town of Buchanan in the following areas:
 - (1) Within the boundaries of the Darboy Joint Sanitary District No. 1.
 - (2) Within any platted subdivision.

- (3) Within any residential zoned area.
 - (4) On any parcel of land less than three acres in size.
- E. Horses/ponies:
- (1) If otherwise permitted in the section, one horse or pony shall be permitted on a parcel of land at least three acres or more in size.
 - (2) One additional horse or pony shall be permitted for each additional acre.
- F. Special exceptions. Farm animals may be kept in areas as set forth in Subsection D if a special exception is granted. The special exception shall be granted in accordance with the provisions of Chapter 525, Zoning, Article XIII, Special Exceptions. The procedure set forth in said article shall be followed.
- G. Penalty. The Town of Buchanan does hereby determine that the keeping of said animals in the areas described in Subsection D above is a nuisance.¹ Any person violating this section shall be notified at the address shown on the address maintained by the Town of Buchanan for real estate tax purposes, by certified or registered mail or service, as provided in § 801.11, Wis. Stats., to remove the farm animal or animals within five days of the date of mailing or service. If the farm animal or animals are not removed within said period, upon conviction, the Town shall assess a penalty of \$50 plus costs and the cost of prosecution. Each day of violation shall be considered a separate offense. Further, the Town may proceed in the Circuit Court for Outagamie County to obtain an injunction removing said farm animal or animals. Upon the issuance of an order for removal of said farm animal or animals, the farm animal or animals may be removed, relocated or destroyed at the Town's sole discretion, and the costs of removal, relocation and/or destruction shall be assessed upon the owner of the real estate on which the farm animal or animals were located. The Town of Buchanan shall further be entitled to collect all fees and costs, including attorneys' fees, incurred in enforcing this section.
- H. Effect on preexisting animals.
- (1) Any farm animal or animals lawfully located on any parcel of land at the effective date of this section, which are not permitted by the provisions of this section, shall be permitted and deemed "grandfathered." However, such violation may not be expanded with additional farm animals, such that at no time shall the number of farm animals located on any such parcel exceed the number of farm animals located thereon at the effective date of this section.
 - (2) When the owner of any parcel of land containing a farm animal or animals which have been permitted and grandfathered no longer has a farm animal or animals located thereon for six consecutive months or more, such parcel of land shall thereafter be required to comply with the requirements of this section.

¹. Editor's Note: See also Ch. 404, Nuisances.

ARTICLE II
Dogs

§ 203-3. Additional remedies. [Amended 8-17-2010 by Ord. No. 2010-03]

In addition to any penalty provided in this chapter for a violation of this article, any law enforcement officer may impound any dog which habitually pursues any vehicle upon any street, alley, or highway of the Town; assaults or attacks any person; is at large within the Town; habitually barks, howls, kills, wounds, or worries any domestic animal or is infected with rabies. An officer may kill any dog which places persons or property in danger of injury, death, or destruction.

§ 203-4. Statutes adopted.

The following sections of the state statutes are adopted by reference:

- § 106.52(3)(am)1 Dogs for the blind and deaf admitted to public places
- § 174.001 Definitions, except § 174.001(2), Wis. Stats.
- § 174.01 Restraining action against dogs
- § 174.02 Owner's liability for damage caused by dog
- § 174.042 Dogs running at large and untagged dogs subject to impoundment, except § 174.042(3), Wis. Stats.
- § 174.05 Dog license tax
- § 174.053 Multiple dog licenses
- § 174.055 Exemption of dogs for blind, deaf and mobility-impaired
- § 174.06 Listing
- § 174.065 Collection
- § 174.07 Dog licenses and collar tags
- § 174.08 License fees paid to County Treasurer
- § 174.11 Claims for damage by dogs to domestic animals
- § 174.13 Humane use of dogs for scientific or educational purposes

§ 203-5. Restrictions on keeping.

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

- A. Habitually pursues any vehicle upon any public street, alley, or highway in the Town.
- B. Assaults or attacks any person.
- C. Habitually barks or howls to the annoyance of any person.

- D. 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.

§ 203-6. Duty of owner in cases of dog bite.

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the humane officer or, if none, to such other official designated by the Town Board, and shall keep such dog confined for not less than 14 days or for such period of time as the humane officer or other official shall direct. The owner or keeper of any such dog shall surrender the dog to the humane officer or other official or any law enforcement officer upon demand for examination.

§ 203-7. Impoundment.

- A. Provision for pound. The Town Board may provide a pound for strays or unwanted dogs in the Town, or may designate a humane society or other person or organization to provide a pound for strays or unwanted dogs in the Town. [Amended 8-17-2010 by Ord. No. 2010-03]
- B. Delivery. A person who captures and restrains a dog shall notify the humane officer or, if none, a law enforcement officer.
- C. Attempt to notify owner. An attempt to notify the owner of an impounded dog shall be made as follows:
 - (1) The pound, humane officer, organization, or officer who is notified or to whom a dog is delivered shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort.
 - (2) The officer or pound who is notified or to whom a dog is delivered shall check the lost and found column of the local daily newspapers having a general circulation in the community to determine if a dog is advertised which answers the description of the dog.
- D. Records. The officer or pound who is notified or to whom a dog is delivered shall keep a record of each dog, giving a description of the dog, the date of the impoundment, if any, and the disposition of the dog. If the dog is kept by, or released to, a person, the record shall include the name, address, and date of delivery of the dog. This record is a public record.²
- E. Boarding fee. The owner of an impounded dog shall pay the officer or pound to whom the dog was delivered a boarding fee for each day or fraction of a day that a dog is impounded. The officer or pound shall establish the boarding fee, but this fee may not exceed the actual daily cost for boarding and caring for the dog. Boarding fees may be retained to pay expenses incurred by the officer or the pound.

². Editor's Note: Original Sec. 14-30(e), Impoundment fees, which immediately followed this subsection, was repealed 8-17-2010 by Ord. No. 2010-03.

- F. Release to owner; conditions. The officer or pound to whom a dog is delivered may release the dog to the owner or a representative if:
- (1) The owner or representative gives his name and address.
 - (2) The owner or representative presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation.
 - (3) The owner or representative pays the boarding fees and any impoundment fee for the dog.
- G. Release to person other than owner; conditions. The officer or pound to whom a dog is delivered may release to a person other than the dog's owner only if:
- (1) The owner is unknown or does not claim the dog within seven days after the dog is delivered to the officer or pound.
 - (2) The person to whom the dog is released gives his name and address.
 - (3) The person to whom the dog is released signs a statement agreeing to license the dog and to have the dog vaccinated against rabies unless evidence is presented that the dog is licensed and vaccinated.
 - (4) The person to whom the dog is released, if required by the officer or pound, pays the boarding fees and any impoundment fee for the dog.
- H. Sacrifice or use for humane purposes of unclaimed dogs. A dog which is not released to its owner or to a person other than its owner within the impoundment period is deemed an unclaimed dog. The minimum impoundment period is seven days after the dog is delivered to the officer or pound. The officer or pound may extend the impoundment period if release of the dog to the owner or a person other than the owner appears likely. The officer or pound may dispose of an unclaimed dog by releasing it as provided under § 174.13, Wis. Stats., by disposing of the dog in a proper and humane manner.

ARTICLE III
Kennels and Pet Shops

§ 203-8. Definitions.

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

KENNEL and PET SHOP — Any establishment for the raising, training, boarding, or selling of dogs, cats, birds, mice, rats, or other small animals for hire or profit, or where more than three dogs, cats, or other small animals are harbored or kept.

§ 203-9. License required.

It shall be unlawful to operate a kennel or pet shop anywhere in the Town without first securing a license under § 174.053, Wis. Stats.

§ 203-10. Sanitation.

Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste material shall be allowed to remain thereon for more than 12 hours. All animals shall be humanely treated, and any animal having any disease shall be properly isolated and treated.

§ 203-11. Zoning. [Amended 8-17-2010 by Ord. No. 2010-03]

Kennels shall be permitted only in Agricultural (AED) Zoning Districts and as a special exception in AGD and CL Districts as established by Chapter 525, Zoning, of the Code of the Town of Buchanan.

§ 203-12. Waste products and manure accumulations.

The owner or person in charge of any animal shall not permit solid fecal matter of such animal to be deposited on any street, alley, or public or private property not owned by such owner or person in charge unless such is immediately removed therefrom by such owner or person in charge.