

ORDINANCE

Ordinance No. O05-2017-93

AN ORDINANCE REPEALING ORDINANCE 05-1993-14 AND ORDINANCE 04-1994-15 AND ADOPTING ORDINANCE NUMBER 005-2017-93

ORDINANCE REGULATING ANIMALS WITHIN THE COUNTY OF ASHLAND

The Board of Supervisors of Ashland County, Wisconsin, does ordain as follows:

Section 1.01. Running at Large.

No animal shall be permitted to run at large off the premises of its owner unless such animal is working, hunting, showing or otherwise under the control of supervision of its owner or another person in charge of such animal. No animal shall be permitted to run at large on the premises of its owner if such animal is causing injury or harm to another person or to property of another or is harassing or annoying another person or animal or is chasing a vehicle.

Section 1.02. Barking

No person owning, possessing or having charge of a dog shall permit or allow such dog to bark or howl between the hours of 10:00 pm and 7:00 am and under circumstances where such barking or howling reasonably disturbs another.

Section 1.03. Cruelty to Animals

A. No person shall cruelly beat, frighten, overburden or abuse any animal or use any device or chemical substance whereby pain, suffering or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing animals. This provision does not prohibit training techniques or husbandry practices which are acceptable under state law.

B. No person shall abandon any animal or transport any animal in a cruel manner.

Section 1.04. Food and Water

No person owning, possessing, or having charge of any animal shall neglect or fail to provide it with necessary nourishing food at least once daily and provide a constant supply of clean water to sustain the animal in good health.

Section 1.05. Shelter

A. No person shall fail to provide any animal that he owns, possesses or has charge of with shelter from inclement weather or to ensure the protection and comfort of the animal.

B. When sunlight is likely to cause overheating or discomfort to any animal, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun.

C. Animals kept outdoors for more than one hour at a time must be provided with moisture proof and wind proof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and keep the animal clean, dry and comfortable. Whenever the outdoor temperature is below 40 degrees F., clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the animal.

Section 1.06. Leashes

If animals are kept leashed on their premises, they shall be provided at least 6 feet of free, untangled leash.

Section 1.07. Rabies Control Program (§95.21.WI. Stats.)

All dogs in Ashland County shall be vaccinated against rabies, after which their owners must obtain a rabies vaccination tag verifying the same. Pursuant to §95.21 (10)(a), an owner who fails to have a dog vaccinated against rabies as required under §95.21(2)(a), WI. Stats., may be required to forfeit not less than \$50.00 nor more than \$100.00. The owner of the dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of age and revaccinated within 1 year of the initial vaccination.

Section 1.08. Impoundment.

The County Board hereby designates the Chequamegon Humane Association located in the City of Ashland, Ashland County, Wisconsin, to provide a pound for stray and unwanted dogs and cats in the County as permitted by Chapter 174 WI. Stats. The impoundment fees and expenses for any animal impounded shall be paid to the Chequamegon Humane Association to help defray its expenses.

Section 1.09. Chapter 174, Wisconsin Statutes, incorporated

The terms and provision set forth in Chapter 174, Wisconsin Statutes, as now stated and as hereinafter amended, are hereby incorporated herein by reference as though fully set forth herein.

Section 1.10. Citation Authority

The County Humane Officer and the other officers referred to in Chapter 174, WI. Stats., as now stated, or as hereinafter amended, are authorized and empowered on behalf of the County of Ashland, to issue a citation or citations to any person they reasonably believe may have violated or may be violating any provision of this Ordinance, and they are further authorized and empowered to, on behalf of the County, to commence or authorize the commencement of an action or proceeding to enforce any provision or provisions of this Ordinance.

Section 1.11. More restrictive ordinances allowed

Any city, town or village within the County of Ashland may adopt ordinance relating to the same subjects as this Ordinance which are more restrictive than is this County Ordinance.

Section 1.12. Definitions

Person. The term "person" when used in this Ordinance shall mean and refer to any individual or individuals, a corporation, a partnership, a municipality, or other entity.

He. Him. The term "he" when used in this Ordinance shall mean and refer to both he and she and the term "him" when used in the Ordinance shall mean and refer to both him and her.

Animal. Includes every living warm-blooded creature, except for human beings, reptiles or amphibians.

Animal at Large. Any animal shall be deemed to be at large when off the property of the owner and not under the control of the owner or some other person.

Public Nuisance. Means any domestic animal or animals which engage in one or more of the following:

- a. Molesting passers-by or passing vehicles.
- b. Attacking persons or animals without provocation when said persons or animals were peacefully conducting themselves where they were lawfully entitled to be.
- c. Trespassing on school grounds and parks, cemeteries or other public and private property.
- d. Being repeatedly at-large, where repeatedly means at least two (2) times.

- e. Damaging private or public property.
- f. Barking, whining, howling or other noise in a continuous manner, such as it causes an unreasonable disturbance to a person or persons.

Section 1.13. Penalty

Any person violating Sections 1.01 or 1.02 of this Ordinance shall be required to forfeit not more than \$100.00 plus costs for the first offense and not more than \$200.00 plus costs for the second or subsequent offense within three (3) years of the date of the first offense.

Any person violating Section 1.03, 1.04, 1.05 or 1.06 of this Ordinance shall be required to forfeit not more than \$150.00 plus costs for the first offense and not more than \$300.00 plus costs for the second or subsequent offense within three (3) years of the date of the first offense.

Any person violating Section 1.07 of this Ordinance shall be required to forfeit not more than \$100.00 plus costs for the first offense and not more than \$300.00 plus costs for the second or subsequent offense within three (3) years of the date of the first offense.

The term "costs" as used in this Ordinance shall mean and refer to all fees, assessments, court costs and other amounts state law requires to be paid on a forfeiture on the date of the violation.

An officer issuing a citation alleging a violation of any section of this Ordinance may print on the face of the citation for a deposit the amount which is set forth on the annexed Schedule of Forfeitures, which Schedule of Forfeitures is incorporated here by reference as part of this Ordinance.

The deposit stated on the citation is the amount which a violator can deposit with the court and forfeit in lieu of appearing in court.

If the issuing officer is of the opinion the violation is of sufficient seriousness to warrant a penalty exceeding the amount of the forfeiture which is set forth in the annexed Schedule of Forfeitures, the officer may enter on the face of the citation the words "must appear" in lieu of stating a deposit.

Section 1.14. Failure to pay forfeiture

Any person required to pay a forfeiture and/or costs for a violation of any provision of this Ordinance, and who willfully fails to pay such sum when it is due shall be confined to the Ashland County Jail for a period not to exceed sixty (60) days.

Section 1.15. Costs of prosecution

Any person who is found guilty of violating any provision of this Ordinance shall be required to pay the actual and reasonable costs of prosecution of such violation in addition to the forfeiture and court costs, and upon willful failure to pay the same, shall be confined to the Ashland County Jail for a period not to exceed thirty (30) days in addition to the confinement for failure to pay the forfeiture and costs.

This Ordinance shall take effect upon its passage and publication. The County Clerk is directed to immediately publish the annexed ordinance as a Class 1 Notice under Chapter 985, WI. State., and to distribute copies of the annexed ordinance to the town clerks who shall file the same in their respective offices pursuant to §59.09(1) WI. Stats.

This Ordinance was approved by the Ashland County Public Property and Law Enforcement Committee at their May 9, 2017 meeting and moved on to the full Ashland County Board of Supervisors for action.

SCHEDULE OF FORFEITURES Ordinance No. O05-2017-93

Section No.	Ordinance Violation	Forfeiture
1.01	Running at Large	
	1 st offense	\$100.00 *
	2 nd or subsequent offense	\$200.00 *
1.02	Barking	
	1 st offense	\$100.00 *
	2 nd or subsequent offense	\$200.00 *
1.03	Cruelty to Animals	
	1 st offense	\$150.00 *
	2 nd or subsequent offense	\$300.00 *
1.04	No food or water	
	1 st offense	\$150.00 *
	2 nd or subsequent offense	\$300.00 *
1.05	Shelter violation	
	1 st offense	\$150.00 *
	2 nd or subsequent offense	\$300.00 *
1.06	Leash violation	
	1 st offense	\$150.00 *
	2 nd or subsequent offense	\$300.00 *
1.07	Chapter 174 violations*	
	1 st offense	\$100.00 *
	2 nd or subsequent offense	\$300.00 *

*This is the amount of the basic forfeiture for the indicated violation. In addition to paying the amount of the basic forfeiture, a person convicted of this violation shall also be required to pay such other fees, assessments, costs and amounts as state law required on the date of the violation.

Dated at the City of Ashland this 18th day of May, 2017.

Pat Buss
Kathy S Schutte
[Signature]
George Meeley
Patrick O'D
Williamson
Tina Why
George Meeley
Marta J
Ken W
Rich Hoyle

Carl Kubley
Richard Fink
George Kaban
Clarence Campbell
[Signature]