

Town of Pembine- Dog's and Domestic Animals Running at Large

ORDINANCE No. ____17-01____

The Town Board of the Town of Pembine, Marinette County, Wisconsin, does hereby ordain as adopt as follows:

That, pursuant to Wis. Stat. 174.042 Dogs running at large and untagged dogs subject to impoundment; penalties.

174.042(1) (1) Dog running at large.

(a) Except as provided in par. (b), a dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.

(b) A dog that is actively engaged in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is on land that is open to hunting or on land on which the person has obtained permission to hunt or to train a dog.

(2) UNTAGGED DOG. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

(3) DOG RUNNING AT LARGE OR UNTAGGED DOG SUBJECT TO IMPOUNDMENT. An officer, town chairman or his designee shall attempt to capture and restrain any dog running at large or any untagged dog and may enforce this ordinance, including full authority of issuing a citation under Wis. Stat. 60.0113.

(4) PENALTIES. If the owner of a dog negligently or otherwise permits the dog to run at large or be untagged, the owner shall forfeit not less than \$150 nor more than \$250 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses.

That, pursuant to Wis. Stat. 174.042 Owner's liability for damage caused by dog; penalties; court order to kill a dog.

(1) LIABILITY FOR INJURY.

(a) *Without notice.* Subject to s. 895.045 and except as provided in s. 895.57 (4), the owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property.

(b) *After notice.* Subject to s. 895.045 and except as provided in s. 895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused by the dog biting a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement if the owner was notified or knew that the dog had previously, without provocation, bitten a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement.

(2) PENALTIES IMPOSED ON OWNER OF DOG CAUSING DAMAGE.

(a) Without notice. The owner of a dog shall forfeit not less than \$50 nor more than \$2,500 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(b) After notice. The owner of a dog shall forfeit not less than \$200 nor more than \$5,000 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, and if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(c) Penalties in addition to liability for damages. The penalties in this subsection are in addition to any other liability imposed on the owner of a dog.

(3) COURT ORDER TO KILL A DOG.

(a) The state, any municipality, or a person who is injured by the dog, whose minor child was injured by the dog, or whose domestic animal is injured by the dog may commence a civil action to obtain a judgment from a court ordering an officer to kill a dog. The court may grant the judgment if the court finds both of the following:

1. The dog caused serious injury to a person or domestic animal on 2 separate occasions off the owner's property, without reasonable cause.
2. The owner of the dog was notified or knew prior to the 2nd injury, that the dog caused the first injury.

(b) Any officer enforcing a judgment under this subsection shall kill a dog in a proper and humane manner.

(4) LAW ENFORCEMENT DOGS.

(a) In this subsection, "law enforcement agency" has the meaning given in s. 165.83 (1) (b).

(b) The owner of a dog that is used by a law enforcement agency is not liable under sub. (1) for damages caused by the dog to a crime suspect while the dog is performing law enforcement functions.

(c) Subsection (2) does not apply to the owner of a dog that is used by a law enforcement agency if the dog injures a crime suspect while the dog is performing law enforcement functions.

(d) Subsection (3) does not apply to a dog that is used by a law enforcement agency if the dog injures a crime suspect while the dog is performing law enforcement functions.

That, pursuant to Wis. Stat. 172.01 Animals not to run at large. No stallion over one year old, nor bull over 6 months old, nor boar, nor ram, nor Billy goat over 4 months old shall run at large. If the owner or keeper of an animal described in this section, for any reason, permit the animal to run at large, the owner or keeper shall forfeit \$5 to the person taking up the animal and shall be liable in addition for all damages done by the animal while at large, regardless of whether the animal's escape was the fault of the owner or keeper. The construction of any fence enumerated in s. 90.02 does not relieve an owner or keeper from liability for any damage committed by an animal described in this section upon the enclosed premises of an adjoining owner.

(1) PENALTIES. If the owner of any animal described above negligently or otherwise permits the animal to run at large or be unsecured on property owned or leased by them, the owner shall forfeit not less than \$150 nor more than \$250 for the first offense and not less than \$250 nor more than \$500 for subsequent offenses.

Adopted this 25th day of April 2017.

Town of Pembine, County of Marinette, State of Wisconsin.

By: Louis Linsmeyer
Louis Linsmeyer, Chairperson

Vince Czahor
Vince Czahor, Supervisor

Michael Newingham
Michael Newingham, Supervisor

Witness: Suzanne Allen
Suzanne Allen, Clerk/Treasurer