

ORDINANCE NO. 2023-7-5(B)

TOWN OF SARATOGA
AN ORDINANCE TO REGULATE DOGS
WITHIN THE TOWN OF SARATOGA, WOOD CO., WISCONSIN

The Town Board of the Town of Saratoga do ordain as follows:

SECTION I—TITLE AND PURPOSE

The title of this ordinance is the Town of Saratoga Dog Ordinance. The purpose of this ordinance is to regulate, by tag and penalty, the control of dogs in the Town of Saratoga.

SECTION II—AUTHORITY

The town board of the Town of Saratoga has in the authority under its village powers under s.60.22, Wis. Statutes, and the specific authority under s.60.23(30), and Chapters 173 and 174, Wis. Statutes, to adopt this ordinance.

SECTION III—ADOPTION OF ORDINANCE

The town board of the Town, by this ordinance, adopted on proper notice with the quorum and by a roll call vote by a majority of the town board present and voting, provides the authority for the Town to regulate the control of dogs in the Town of Saratoga.

SECTION IV—DEFINITIONS

In this Ordinance:

- A. "Active Disturbance" means an incident that needs an immediate response to protect the public and/or to alleviate a disturbance of the peace.
- B. "Constable" means a person elected for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is elected to enforce.
- C. "Dog" means any canine, regardless of age or sex, not to include wolves, coyotes and foxes.
- D. "Law enforcement officer" has that meaning as it appears in Wis. Stat. 967.02(5), and includes a humane officer under Wis Stat. 173.03, but does not include a conservation warden appointed under Wis. Stat. 23.10.
- E. "Legal premises" means the real property owned or occupied by the owner of the dog.
- F. "Owner" means a person who owns, harbors, or keeps the dog, and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of 10 days; such person is presumed to be harboring or keeping the dog within the meaning of this ordinance.

- G. "Running at large" means off the owner's legal premise and not under the control of the owner or some other person.
- H. "Stray dog" means a dog running at large whose owner is unknown.
- I. "Town" means the Town of Saratoga in Wood County, Wisconsin.
- J. "Untagged" means a valid license tag is not attached to a collar that is kept on a dog whenever the dog is outdoors, unless the dog is securely confined by the owner in a fenced area or confined on the owner's legal premises.
- K. "Wis. Stats" means Wisconsin Statutes, including successor provisions of cited statutes.

SECTION V—RESTRICTIONS ON DOGS

Except as provided in Section VI, no person may do any of the following:

- A. Allow any dog owned by that person, in the care of that person, or kept on the premises owned by that person, to run at large in the Town.
- B. Allow a dog or dogs on the legal premise of its owner to continue to frequently or habitually howl, yelp, bark or make other loud noises that serve to greatly annoy or disturb persons within the Town. After written warning from the constable of the Town or its designee, to the owner of the dog or to the owner of the legal premise where the dog is kept, that the noise from the dog or dogs must be eliminated.
- C. Allow any dog owned by that person and required to be licensed to be unlicensed in violation of Section VII.

SECTION VI—EXEMPTIONS FROM SECTION V COVERAGE

- A. A dog that is actively engaged in the Town 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 in the Town that is open to hunting or land on which the person has obtained permission to hunt or train a dog. Training may include dog trails or other dog related outdoor events occurring in the Town where these events have been approved by the Town Board or its designee.
- B. A dog that is used by a law enforcement agency as defined in s.165.83(1)(b), Wis. Stats., in the Town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- C. A dog that is untagged and kept in the Town for educational or scientific purposes as determined by the Town Board of the Town shall not be considered untagged for purposes of this ordinance.
- D. A dog that is untagged and is kept in the Town for the blind, deaf, and mobility impaired as determined by the Town Board of the Town shall not be considered untagged for purposes of this ordinance.

SECTION VII—DOG LICENSE TAX

- A. Except for dogs that are kept only for educational or scientific purposes, the owner of the dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year,

- shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license.
- B. The Town Board shall annually by resolution set the amount of the dog license tax in accordance with Wis. Stat. 174.05(2).
 - C. The license year commences on January 1 and ends on the following December 31.
 - D. A late fee of \$15.00 shall be collected from every owner of a dog 5 months of age or over, if the owner fails to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the dog reaches licensable age. All late fees received or collected shall be paid into the Town treasury as revenue of the Town.

SECTION VIII—ISSUANCE OF LICENSE; TAG

- A. Upon payment of the required license tax and upon presentation of evidence that the dog is currently inoculated for rabies, the Town Treasurer or his/her deputy 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 license year.
- B. 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 VI.
- C. 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.

SECTION IX—TOWN AUTHORITY

- A. The Constable shall attempt to capture and restrain any dog running at large. If the Constable is unavailable, the Town Board authorizes the Roadmen to attempt to capture and restrain the dog at large.
- B. Any person may take into custody and restrain any dog running at large or any untagged dog.
 - a. Where any person shall take into custody any dog running at large or any untagged dog, they may do the following:
 - i. Within the hours of 8:00 a.m. to 8:00 p.m., contact the South Wood County Humane Society, which is authorized to accept those dogs that are tied and contained.
 - ii. When an Active Disturbance exists, and the Constable and Roadmen are unavailable, the incident shall be reported to the Wood County Sheriff's Department.
- C. All dog offenses as described in Section V that are reported to the South Wood County Humane Society or the Wood County Sheriff's Department, shall be reported to the Constable for follow-up.
- D. Where the Constable or Roadmen take into custody any dog running at large in the Town, they shall timely deliver to or arrange pick-up with the South Wood County Humane Society to provide care, treatment, or disposal of dogs.

- a. If the identity of the owner of the dog taken into custody under this ordinance is known or can be determined, the town constable shall notify the owner that the dog is in the Towns custody. No dog, in the custody of the Town, shall be returned to the owner, or an agent of the owner, unless the dog is properly licensed.
 - b. If the identity of the owner of the dog taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be turned over to the South Wood County Humane Society.
- E. The Town shall comply with Chapters 173 and 174, Wis. Stats.

SECTION X—PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$500. Each day that any dog within the Town of Saratoga continues to be unlicensed constitutes a separate offense for which a separate penalty applies. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

SECTION XI—SEVERABILITY CLAUSE

If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION XIII—EFFECTIVE DATE

The ordinance is effective on publication.

Adopted this 2nd day of March, 2005

Amendment July 5, 2023

HISTORY
Ordinance
Adopted
Amended

Dated
March 2, 2005
July 5, 2023