

INTERIM CONTROL ORDINANCE #06022014-1

AN INTERIM CONTROL ORDINANCE OF THE TOWNSHIP OF LINCOLN ENABLING REGULATION OF ANIMALS SUPECTED OF BITING PEOPLE AND DANGEROUS DOGS

WHEREAS, the Township of Lincoln has experienced two recent incidences of dogs attacking and biting people off of the property of the dog's owners; and

WHEREAS, the Township of Lincoln Board of Supervisors determines that an Interim Control Ordinance is a necessary use of the Town's police powers as authorized by Wis. Stats. 60.61, 60.62, 61.35, and 62.23 and other relevant provisions of the Wisconsin Statutes in order to protect the health, safety, and general welfare of the citizens of the Township of Lincoln;

THEREFORE, the Township of Lincoln Board of Supervisors hereby adopts effective immediately the following Interim Control Ordinance:

ANIMALS SUSPECTED OF BITING PEOPLE.

- (1) All incidents occurring in the township where any animal attacks a person, bites a person , or is suspected of biting a person shall be immediately reported to the Township of Lincoln Chairman, the Kewaunee County Health Department , and to the Kewaunee County Sherriff's Department by any person having knowledge of such incident.
- (2) Any animal which bites a person in the township, if it can be found, shall be quarantined for 14 days from the date of the bite for the purpose of observation for the possibility of infection with the virus of rabies.
- (3) Such quarantine shall be effected as directed by the Town Chairman or representative and may, at the discretion of the Town Chairman, be:
 - (a) Confinement of the animal to a structure or enclosure which is adequate to restrain the animal on the premises of the owner or his agent, or
 - (c) Confinement of the animal with a licensed veterinarian, or
 - (d) Confinement of the animal at an animal hospital or boarding facility approved by the Township of Lincoln Chairman.
- (4) The owner or caretaker of the animal shall be liable for all costs and expenses related to the impoundment and disposition of the animal.
- (5) No animal which is known or suspected to have bitten a person in the township may be destroyed until after the 14 day quarantine period required in sub. (2) has elapsed. If the animal cannot be apprehended safely, destruction shall be accomplished without damage to the head of the animal if at all possible. The Town Chairman, Kewaunee County Health Commissioner, and the Kewaunee County Sherriff shall be immediately notified of such destruction of an animal. The dead animal shall not be disposed of until such specimens as

the Town Chairman, Kewaunee County Health Commissioner, or Kewaunee County Sherriff shall direct have been obtained and permission is given to dispose of the dead animal.

- (6) If an animal which has been quarantined in accordance with this section dies during the quarantine period, the person having custody of the animal shall immediately notify the Town Chairman and shall not destroy or dispose of the dead animal until after such specimens as the Town Chairman shall direct have been obtained and permission is given to dispose of the dead animal.
- (7) The disposition of any animal that is suspected of causing bodily harm to a human or a domestic animal shall be determined by the Town Board of Supervisors. If the decision by the Board is to destroy the animal, the Town shall petition an appropriate court as specified under Section 174.02(3) of the Wisconsin Statutes to obtain a court order to destroy the animal.

DANGEROUS DOGS.

(1) DEFINITIONS.

(a) Dangerous Dog. Any dog which:

1. Without provocation, while not under the control of its owner, chases, confronts, or approaches a person in a menacing fashion while off its owner's property and it is clear that the dog is not merely being protective in a particular set of circumstances.
2. When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion.
3. When unprovoked and while off its owner's property, causes a non-severe, non-bite injury in a menacing fashion to any person or domestic animal.
4. Has been declared dangerous by at least one other municipality.

(b) Domestic Animal. Livestock, domesticated dogs and domesticated cats.

(c) Menacing Fashion. Demonstrating an intent or desire to cause injury by one or more of the following actions:

1. An attempt to bite a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.
2. Growling or barking in an unfriendly manner while approaching or chasing a person or another animal.
3. Growling or barking in an unfriendly manner while making physical contact with a person or another animal.

(d) Officer. Any supervisor or the Township of Lincoln, or the Town of Lincoln Constable.

(e) Owner. Any person, firm, corporation, or other organization owning, keeping, possessing, harboring, controlling, or having the care or custody, whether temporarily or permanently, of a dog or dogs.

(f) Provoked. Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:

1. The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; or

2. The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or
3. The person who was attacked or injured was committing a crime on the property of the animal's owner.

(2) DANGEROUS DOGS PROHIBITED.

(a) Possession of a Dangerous Dog Prohibited. No person shall own, keep, possess, return to, or harbor a dangerous dog within the Township.

(b) Penalty. Any person who owns, keeps, possesses, harbors, or returns any dangerous dog to the Township, after it has been declared to be dangerous by owner's omission, quasi-judicial hearing, or appeal, shall be subject to a forfeiture of not less than \$500 nor more than \$1,000.

(3) PROCEDURE FOR DECLARING A DOG "DANGEROUS".

(a) A Town supervisor, Constable, or police officer may determine a dog to be "dangerous" whenever, upon investigation, that officer finds that the dog meets the definition of dangerous as delineated in subsection (1).

(b) The Town supervisor, Constable, or police officer, upon making the determination that a dog is dangerous, shall issue a written order declaring the dog to be dangerous and demanding that the owner of the dangerous dog remove it from the Township within five days.

(c) If the owner objects to the declaration of dangerousness, they may file a written objection contesting the declaration with the Town Chairman within five days of receiving the written declaration.

(d) Upon receipt of the owner's written objection within the prescribed five days, the matter shall be placed on the soonest Town Board of Supervisors meeting agenda for review.

(e) The Town Board of Supervisors shall act as a quasi-judicial body allowing the animal's owner an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous dog.

(f) Pending the outcome of the hearing or any subsequent appeal, the animal may be confined subject to Sec. 173.21, Wis. Stats., or held at a location outside the Township at the owner's expense.

(g) After the hearing, once the Town Board of Supervisors has made a decision, the owner shall be immediately notified of the decision in writing by personal delivery or by certified mail. If a decision is made that the animal is a prohibited dangerous dog, the owner shall comply with order to remove the dog from the Township within five days after receiving the written decision, if not already removed.

(h) If the owner further contests the decision, he or she may, within five days of receiving the written decision, seek review of the decision by the Circuit Court.

(i) If the declared dangerous dog is not removed from the Township within 10 days of it being declared dangerous by owner's omission, quasi-judicial hearing, or appeal, it may be seized

and ordered destroyed pursuant to Sec. 174.02(3), Wis. Stats., and in the manner prescribed in subsection (4) of this ordinance.

- (4) **MANNER AND PROCEDURE FOR DESTRUCTION OF DANGEROUS DOGS.** Whenever an officer or veterinarian is required to destroy a dangerous dog, the animal shall be destroyed in a humane manner which avoids damage to the animal's head.
- (5) **EXEMPTION FOR POLICE DOGS.** The provisions of this ordinance regarding dangerous dogs shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

Approved by a vote of 3 for and 0 against on this 2nd day of June, 2014

Cory Cochart, Chairman (signed)

Nick Cochart, Supervisor #1 (signed)

Jesse Jerabek, Supervisor #2 (signed)