Town of Niagara
Niagara, Wisconsin  54151

ANIMAL ORDINANCE
Ordinance #5

Whereby, the Town of Niagara, Marinette County, does hereby adopt Ordinance #5 Animal Ordinance, for the purpose of regulating certain animals and prohibiting Pit Bull breeds.

Whereas, there have been several complaints and incidences regarding vicious dogs and specifically Pit Bull breeds of dog and

Whereas, this Ordinance is necessary for the preservation of public safety.

DEFINITIONS

"Animal" means
- Any living vertebrate, domestic or wild, except a human being, which may be affected by rabies

"Dangerous animal" means
- Any animal which approaches or chases any human being or domestic animal in a menacing fashion or apparent attitude of attack, without provocation, on public or private property
- Any animal which bites, inflicts injury, attacks, or otherwise endangers the safety of human beings or domestic animals, without provocation on public or private property
- Any animal owned, harbored, or trained primarily or in part for the purpose of fighting
- Vicious dogs
- For the purpose of enforcing this Ordinance, an animal shall be deemed as being "dangerous" if within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances. Also, upon any complaint and response, a deputized officer or animal control officer may determine an animal to be "dangerous" whether or not injury has occurred. In such cases the restrictions within this Ordinance shall immediately apply.

"Vicious dog" means
- Any dog or hybrid dog with a propensity, tendency or disposition to attack, assault, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner, including but not limited to the following breeds: the Pit Bull Terrier, Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, and dogs whose breed or mixed breed is commonly known as pit bull, pit bull dog or pit bull terrier.
"Kennel" means
- Any establishment wherein or whereon any living vertebrate are kept for the purpose of boarding, breeding, sale or sporting purposes

"Owner" means
- Any individual, partnership or corporation that has the right of property in an animal or who keeps, harbor, cares for, acts as its custodian, or who knowingly permits an animal to remain on or about his premises/property for five or more consecutive days.

I. PROHIBITIONS

No person shall possess, own, keep or harbor a dangerous animal, including vicious dogs, within the Town of Niagara.
- Any animal alleged to be dangerous, as defined above, shall be impounded until disposition of the charge issued by the citation and as outlined in this Ordinance.
  Complaints shall be filed with the town clerk.

- Animals shall be maintained in good health as determined by animal Control Officers discretion or a veterinarian
- Animals shall meet all state statue requirements, including shots and tags
- Exotic animals shall not be let loose in the Town of Niagara
- In-home animals shall not pose a health or environmental hazard to property owners
- Owners of animals requiring license, shots and tags are liable to notify the town clerk

No person shall keep any animal which:
- Habitually pursues any vehicle upon any public street, or highway in the Town
- Destroys property
- Is at large within the limits of the Town of Niagara
- Habitually barks or howls to the annoyance of any person or persons
- Kills, wounds or worries any domestic animal
- Is known by such person to be infected with rabies or to have been bitten by an animal know to have been infected with rabies.

Owners of animals classified as vicious dogs residing in the Town of Niagara prior to the passage of this Ordinance, shall comply with the following requirements:

1. Leash and Muzzle
   No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a
leash no longer than three (3) feet in length and muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog shall not be required to be muzzled when shown in a sanctioned American Kennel Club show.

2. Confinement
All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in (1.1.) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Town of Niagara. All structures shall be adequately lighted and ventilated and maintained in a clean and sanitary condition.

3. Confinement Indoors
No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

4. Prohibited in Multiple dwellings
No vicious dog may be kept within any portion of any multiple dwelling.

5. Signs
All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public with letters not less than two (2) inches in height stating "Danger - Vicious Dog." A similar sign is required to be posted on the kennel or pen of the dog.

II. ANIMAL CONTROL AGENT

The Niagara Town Board may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of a town animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs. The town board delegates to any such animal control agent the authority to act pursuant to the provisions of this Ordinance.
III. IMPOUNDMENT

1. It shall be the duty of the Town of Niagara Animal Control Officer and any other person designated by the town board to seize any animal whose owner is alleged to have violated this Ordinance and transfer it to the humane society. No person shall fail to produce or surrender up any animal to the town. The officers of the town shall have the right to pursue an animal upon the premises of the owner or elsewhere. Any law enforcement officer, Animal Control Officer, Zoning Administrator, or duly appointed town official may enter and inspect private property to enforce the provisions of this Ordinance.

2. The owner of the animal immediately impounded pursuant to this section shall be notified in person or by certified mail within five (5) business days after the animal's impoundment.

3. The notice of impoundment shall inform the owner of the animal that he may request, in writing, a trial to contest the impoundment within five (5) business days after the animal's impoundment.

4. Upon a request for a trial, a trial date shall be scheduled within ten (10) business days after such request. Notice of the date, time and location of the trial shall be sent by first-class mail to the owner requesting the trial.

5. If such owner is unknown or unascertainable, a notice shall be published in the local newspaper giving a description of the animal, stating where it was impounded, and conditions for its release. If within seven (7) days after such notice no owner claims the animal, the animal may be destroyed in a proper and humane manner. However, if an animal before being impounded has bitten a person, the animal shall remain impounded for ten (10) days for observation purposes.

6. If, after a trial on impoundment, the court finds no violation of this Ordinance the animal shall be returned to its owner.

7. If the court finds any violation of this Ordinance the court may proceed under this Ordinance to enforce such. The owner of the animal shall be liable for the costs of impounding, keeping, or destroying said animal. If the animal is not reclaimed within five (5) business days of the disposition of the charge issued, the animal may be destroyed in a proper and humane manner.

IV. RESTRICTIONS FOR VIOLATIONS

The owner of any animal determined by the court to have violated any provision of this Ordinance, shall be subject to all of the following requirements:

1. Registration.
The owner of any dangerous animal shall register it with the town clerk upon disposition, and annually thereafter before July 1 of each year, by providing a current color photograph of the animal and payment of the registration fee set by the town board. Upon payment of the fee and satisfactory proof of compliance for provisions and conditions of this Ordinance, the owner shall post the certificate of registration on the front door of the residence where the dangerous animal is being kept. The owner shall update the town clerk upon moving the dangerous animal to another location within five (5) days of the moving.

2. License/Rabies Certificate
   At the time of registration and annually thereafter, the owner of any dangerous animal shall also provide proof of current license and rabies certificate as required in this Ordinance.

3. Liability Insurance.
   At the time of registration, the owner of any dangerous animal shall provide proof of liability insurance in the amount of at least $250,000 for any acts of property damage or liability incurred by virtue of injury inflicted by such animal. Such insurance shall name the Town of Niagara as coinsured solely for the purpose of cancellation of the policy.

4. Display of Standard Sign
   The owner of any dangerous animal shall display a "Beware of Dog," "Danger–Vicious Dog," or "Beware-Dangerous Animal" sign on the premises facing out from all sides of the premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement. In addition, the sign shall include a pictorial symbol warning children of the presence of a dangerous animal.

5. Collar
   The animal shall wear a collar with identification at all times.

6. Duty of Restraint of Animal While On Owner’s Property
   While on owner’s property, a dangerous animal must be securely and humanely confined indoors or in a secure enclosure and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping. Such pen or structure must have a minimum dimension of five feet by ten feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the animal.

7. Duty of Restraint of Animal While Off Owner’s Property
   A dangerous animal may be off the owner’s premises if it is muzzled and restrained by a collar with harness and a heavy duty lead not exceeding three (3) feet in length and is under control of an adult, able-bodied person. The muzzle must be made in a manner that prevents the animal from biting any person or animal.

8. Expenses
In addition to the foregoing restrictions, any person who violates this Ordinance shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this Ordinance.

V. PENALTIES FOR VIOLATIONS
Any owner who violates, disobeys, neglects, omits or refuses to comply with, or who resists the enforcement of any of the provisions of this ordinance may also be required, upon conviction, to forfeit $100.00 for each offense, together with the costs of prosecution. Each day that a violation continues to exist shall constitute a separate offense.

VI. ENFORCEMENT
The Animal Control Officer or designated representative shall have the authority to issue a warning, a fine, or implement the impoundment section of this Ordinance, or utilize any other section of this Ordinance for its enforcement.

VII. EXEMPTIONS
The provisions of this ordinance regarding dangerous animals shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes, and dogs used for hunting purposes as defined by Department of Natural Resources hunting regulations.

VII. LIABILITY
The Town of Niagara or its animal control agency or its designated agent shall not be liable to any person for the death, destruction, injury or disease caused to any animal that has been impounded pursuant to this ordinance.

IX. ACCIDENT
The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat, or other animal which appears to be a pet shall immediately notify the Town of Niagara Animal Control Officer or the Niagara Town Clerk.

X. LICENSE AND FEES
Refer to the Fee Ordinance for fees of neutered male dog or cat, un-neutered male dog or cat, spayed female dog or cat, un-spayed dog or cat, and kennel license.

Passed and approved this 8th day of December 2010 by the Town of Niagara board.

Vote X Yes ___ No

Chairman   Clerk