

STATE OF WISCONSIN

VILLAGE OF
OCONOMOWOC LAKE

WAUKESHA COUNTY

ORDINANCE NO. 250

**AN ORDINANCE TO REPEAL SECTION 11.06 OF ORDINANCE NUMBER 99
AND TO CREATE CHAPTER 14 OF THE VILLAGE OF OCONOMOWOC LAKE
VILLAGE ORDINANCES REGARDING THE REGULATION AND LICENSING
OF DOGS**

The Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin
DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Ordinance No. 99 of the Village of Oconomowoc Lake entitled "Licensing and Permits," Section 11.06 entitled "Regulation and Licensing of Dogs," is hereby repealed.

SECTION 2: Chapter 14 of the Village of Oconomowoc Lake Village Code entitled "Regulation and Licensing of Dogs" is hereby created as follows (commencing on the following page):

CHAPTER 14

REGULATION AND LICENSING OF DOGS

1. **Definitions.** As used in this Chapter, unless the context or subject matter otherwise clearly requires:

(a) "Owner" shall mean any person owning, harboring or keeping a dog. The landowner, tenant or any occupant of any premises on which a dog remains or to which it customarily returns is presumed to be harboring or keeping the dog.

(b) "At large" shall mean off the premises of the owner and off leash, except as follows. A dog under the control of an owner shall not be deemed to be "at large". "Control" means control by voice, electronic collar or hidden electric fence. A dog within a boat or vehicle, that is not able to leave the boat or vehicle, shall not be deemed to be "at large." Hunting dogs, while accompanied by their hunting master and in the normal pursuit of a lawful and properly licensed hunting activity shall not be deemed to be "at large."

(c) "Dog" shall mean a domestic canine animal (*Canis familiaris*), regardless of age or sex, but not including coyote and wolf mixes or hybrids or wolves or coyotes.

2. **License Required.**

1. No owner shall, within the Village of Oconomowoc Lake, own, harbor or keep any dog more than five (5) months of age on January 1st of any year or five (5) months of age within a license year without complying with the provisions of Chapter 174 Wis. Stats., relating to the listing, licensing and tagging of dogs.

2. In addition to the tax and late fee imposed by Sections 174.05(2) and 174.05(5), Wis., Stats., there may be an additional dog license fee in an amount which the Village Board shall, by resolution, determine prior to July 1st of each year, pursuant to Section 174.05(3), Wis. Stats.

3. Upon payment of the required fee, and upon being furnished with evidence that each dog is currently immunized against rabies, the Village Clerk or designee, may issue the requested license.

3. **Dogs Running at Large.** It shall be unlawful for the owner of any dog to permit the same to run at large at any place within the Village. No dog shall be considered under the control of any person if such dog is on private or public property without permission.

4. **Restrictions on Keeping of Dogs.** It shall be unlawful for any owner within the Village of Oconomowoc Lake to own, harbor or keep any dog which:

- (a) Habitually pursues any vehicle upon any public street, alley or highway in the Village;

- (b) Assaults, chases, or attacks any person;
- (c) Is at large within the limits of the Village;
- (d) Habitually barks or howls to the annoyance of any person or persons;
- (e) Habitually threatens harm to persons or property;
- (f) Kills, runs, wounds or worries any domestic animal;
- (g) Destroys any game birds, their eggs or nests;
- (h) Is known to be infected with rabies (hydrophobia) or to have been bitten by an animal known to have been infected with rabies.
- (i) Is vicious. A showing that a dog has bitten, attacked or injured a person is prima facie showing that the dog is vicious.

5. **Restrictions on Outdoor Dog Runs or Enclosures.** Dog runs and other such enclosures are subject to all applicable regulations within the Village Zoning Code. To the extent the Village Zoning Code is not more restrictive, the following location and height regulations shall apply:

- (a) Maximum height: 6 feet;
- (b) Maximum area of 200 square feet of visible fence.
- (c) No closer than 20 feet to a side or rear lot line.

No dogs may be kept in a dog run or and other such enclosures that exist on December 21, 2009 that do not comply with the requirements of this Section.

6. **Abandonment of Dogs.** It shall be unlawful for any person to abandon any dog within the Village.
7. **Cruelty to Dogs.** It shall be unlawful for any person to perpetrate any act of cruelty toward a dog, including, but not limited to, the failure of any Owner of a dog to properly feed and care for it.
8. **Duty of Owner in Cases of Dog Bite.** Every person owning, harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Village Administrator and shall keep such dog confined for not less than fourteen (14) days or for such period of time as the Village Administrator shall direct. The Owner of any such dog shall surrender the dog to the Village Administrator or his or her designee or to any Village Police Officer for examination upon demand.
9. **Disposal of Dog Feces.** It shall be unlawful for the owner or person having immediate control of a dog to:
- (a) Not promptly remove and dispose of, in a sanitary manner, any feces left or deposited by the dog upon any property not owned or possessed by any such Owner or any such person.
 - (b) Permit a dog to be on property not owned or possessed by such Owner or any such person, unless such person has, in his/her immediate possession, an appropriate means of removing dog feces.

(c) Not remove and dispose of, in a sanitary manner, any feces left or deposited by the dog upon any property owned or possessed by any such Owner or any such person within a reasonable time and/or prior to the same becoming a nuisance or annoyance to the neighboring property owners or tenants.

(d) Not keep clean of feces, animal waste, and other substance any area where any dogs are housed.

10. **Number of Dogs Limited.** There is no limit on the number of dogs kept on a parcel other than as set forth below. Dogs under the age of five months (puppies) may be kept; however, no owner may harbor more than two litters of puppies in a calendar year.

11. **Canine Animals.** It shall be unlawful for any person to own a coyote, wolf or hybrid or mixed breed wolf or coyote, or other canine animal that is not a "dog" as defined in this chapter.

12. **Animal Shelter.**

a. **Confinement of dogs.** The Police Chief or any other Village officer shall apprehend any dog which is in violation or subject to a violation of any section of this Chapter and make reasonable attempts to return same to its owner or confine the same in a suitable animal shelter.

b. **Disposition of Unclaimed Dogs.** The keeper of the shelter shall keep all dogs and apprehended as hereinbefore provided for a period of 7 days at the animal shelter (unless sooner claimed by the owner or keeper), and if any dog is not claimed by the rightful owner within such time, the dog may be sold for the amount incurred in the apprehending, keeping and care of the dog or it may be destroyed in a proper and humane manner.

c. **Owner to Pay Costs.** The owner of any dog so confined may reclaim such dog at any time before the same is disposed of as hereinbefore provided, and upon payment of all costs and charges incurred in the apprehension, keeping and care of the dog. Such fees shall be established from time to time by resolution of the Village Board. As a further condition of release, said officer shall require that before release the owner shall, if said dog is not licensed, obtain a license therefore for the proper Village officer.

13. **Penalty.** In addition to such other penalties and remedies as may apply, violations of this ordinance shall be subject to the penalties described in Village of Oconomowoc Lake Ordinance No. 136, entitled "An ordinance to Repeal and Recreate the Penalty Provisions of All Adopted Village of Oconomowoc Lake Ordinances" including such amendments and recreated provisions as may be made thereto from time to time.

(remainder of page intentionally left blank)

SECTION 3: SEVERABILITY.


The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4: EFFECTIVE DATE.

This ordinance shall take effect immediately upon passage and posting or publication as provided by law.

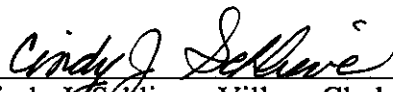
Dated this 21st day of December , 2009.

VILLAGE OF OCONOMOWOC LAKE



Richard J. Kneiser, Village President

ATTEST:



Cindy I. Schlieve, Village Clerk

Published and/or posted this ^{5th} ~~23rd~~ day of ^{Jan.} ~~December~~, 20¹⁰ ~~09~~.

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

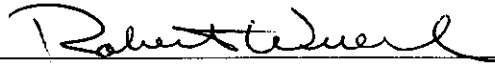
AFFIDAVIT OF POSTING

Ordinance No. 250 regarding the
Regulation & Licensing of Dogs

The undersigned, being first duly sworn, on oath deposes and states that on January 5, 2010, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:


- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer

Subscribed and sworn to before me

This 5th day of January, 2010



Notary Public, Waukesha County, Wisconsin
My Commission expires: 07/03/2011