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TOWN OF SEVASTOPOL
Door County, Wisconsin

ORDINANCE No. 04 - 2011
CONTROL OF DOGS

The Town Board of the Town of Sevastopol does ordain the Control of Dogs Ordinance as follows:

1. TITLE AND PURPOSE.

The title of this ordinance is the TOWN OF SEVASTOPOL, ORDINANCE NO. 04-2011, CONTROL OF DOGS. The purpose of this ordinance is to regulate for public health and safety reasons the control of unlicensed, unvaccinated dogs and dogs running at large which have been determined to be detrimental to the health and safety of the residence of the Town of Sevastopol.

2. AUTHORITY.

The town board has specific authority under Chapters 60 and 66, Wis. Stats. and general authority under its village powers under sec. 60.22, Wis. Stats., to adopt this ordinance.

3. ENFORCEMENT.

The enforcement of this ordinance regulating control of dogs shall be in accordance with Chapters 169, 172, 174, 778, 814, 823 and 951 Wis. Stats., Door County Ordinance 39.19, Town of Sevastopol Ordinance Nos. 01-2011 and 03-2011, and this ordinance of the Town of Sevastopol.

4. ADOPTION OF ORDINANCE.

This ordinance, adopted by a majority of the town board on a roll call vote with a quorum present and voting and proper notice having been given, provides for the regulation of the control of dogs in the Town of Sevastopol.

5. PUBLIC NUISANCE PROHIBITED.

All dogs that are unvaccinated, unlicensed and/or running at large are hereby declared to be a public nuisance. No person shall erect, contrive, cause, continue, maintain or permit to exist, any public nuisance within the Town of Sevastopol.

6. DOGS RUNNING AT LARGE.

Except as provided for in section 7. below, a dog is considered to be running at large if it is off the premises of its owner and not under control of the owner or some other person.

7. EXCEPTION FOR HUNTING ACTIVITIES.

A dog that is actively engaged in a legal, bona fide hunting activity, including training, is not considered to be running at large, or untagged if not wearing a collar, if the dog is monitored or supervised by a person of sufficient age and size to control the dog and the dog is on land that is open to hunting or on land of which the person has obtained permission to hunt or to train a dog.

8. DOGS SUBJECT TO IMPOUNDMENT.

An officer of the Door County Sheriff's Department, the Town of Sevastopol Animal Control Officer or any person with whom the Town of Sevastopol has contracted with for the capturing

1 and restraining of dogs running at large shall attempt to capture and restrain any dog running at
2 large.

3
4 **9. BOARDING AND RELEASE OF CAPTURED DOGS.**

- 5 **A.** Any dog captured, that is not wearing a collar, whose owner cannot be located shall be
6 delivered as soon as possible to the Door County Humane Society or other retention facility.
7 If the license and vaccination cannot be satisfactorily proven the dog will not be returned to
8 the owner or person having control over the dog until it has been vaccinated and licensed at
9 its owner's expense.
- 10 **B.** Any other dog captured shall be delivered to the Humane Society or other retention facility
11 if its owner cannot be located.
- 12 **C.** Owners must comply with all requirements of, and pay all costs associated with the
13 impoundment of his/her dog at the Door County Humane Society or other retention facility
14 before obtaining the release of a dog impounded under this ordinance as follows:
- 15 **1)** All costs and fees for vaccination and boarding levied by the Humane Society or other
16 retention facility;
- 17 **2)** Any charges billed to the Town of Sevastopol for the capture and transportation of
18 the dog by the Door County Sheriff's Department;
- 19 **3)** Any charges incurred by the Town's Animal Control Officer or contracted animal
20 control officer;
- 21 **4)** Any other costs incurred by the Town of Sevastopol in the capture, restraining or
22 impoundment of the dog;
- 23 **5)** All costs and fees levied by the Town of Sevastopol for the licensing of the dog;
- 24 **6)** Any forfeiture so levied under this and any other Ordinance of the Town of
25 Sevastopol;

26
27 **10. UNTAGED DOGS.**

- 28 **A.** All dogs regularly kept in the Town of Sevastopol shall be licensed by the town clerk of the
29 Town of Sevastopol.
- 30 **B.** A dog that is regularly kept in the Town of Sevastopol is considered to be untagged if a valid
31 license tag issued in accordance with section **11.** below is not attached to the collar
32 which is kept on the dog whenever the dog is outdoors unless the dog is securely confined
33 in a fenced in area.
- 34 **C.** Electronic controls (e.g. underground invisible fences) are not fenced in areas for the
35 purpose of this ordinance.
- 36 **D.** A dog need not be kept in the Town of Sevastopol on a year-round basis in order to be
37 considered to be regularly kept in the town. A transient dog that is brought into the town
38 must have and wear proof of vaccination and licensing from another jurisdiction or shall
39 become subject to the requirements of this section.
- 40 **E.** Dogs under five (5) months of age are exempt from this section.

41
42 **11. DOG LICENSE COLLECTING OFFICIALS.**

43 Pursuant to sec. 174.065 Wis. Stats., "Collecting Officials" for the purpose of issuance of dog
44 licenses includes the following:

- 45 **A.** The Sevastopol Town Clerk/Treasurer, or Deputy Clerk/Treasurer;
- 46 **B.** In the event that the Town of Sevastopol enters into an intergovernmental agreement from
47 time to time under sec. 174.10(2) Wis. Stats., that intergovernmental commission or
48 appointee;

1 **12. ABATEMENT OF PUBLIC NUISANCE / PERMIT REVOCATION.**

2 **A. Inspection of Premises.**

- 3 1) Whenever it becomes apparent or a complaint is made to the town board, town
4 clerk, town chair or any appropriate town committee or agent that a public nuisance
5 under this ordinance or a violation of a permit issued under this ordinance, or any
6 other permit that is associated with the complaint, issued under the Town of
7 Sevastopol's village powers under sec. 60.22, Wis. Stats., may exist within the Town
8 of Sevastopol, the town chair, town committee, or other agents of the town board
9 may inspect or cause to be inspected the premises complained of and if necessary
10 report the findings to the town board.
- 11 2) Except as otherwise provided by law, if the person subject to the complaint holds a
12 current permit under this ordinance, or any other permit that is associated with the
13 complaint, issued under the Town of Sevastopol's village powers under sec. 60.22,
14 Wis. Stats., the town chair, the town committee or other agents of the town board
15 may request the town board to hold a public hearing to consider suspension or
16 revocation of the permit for refusal to comply with the permit conditions and this
17 ordinance. The town board may hold a public hearing prior to taking any action to
18 revoke or suspend a permit. The permit holder shall be notified of the public hearing
19 by the mailing by U.S. mail of a First Class notice letter to the last known address of
20 the permit holder noted on the permit or permit application.
- 21 3) Except as otherwise provided by law, the town board may, in the alternative to
22 revocation, suspend any issued permit for a period of up to six (6) months. Any
23 revocation shall be for a period in excess of six (6) months. No application or
24 reapplication can be received or acted upon by the town board for the premises or
25 for the owner or occupant of the premises for any activity, use, or item prohibited by
26 or requiring a permit under this ordinance, or any other permit that is associated
27 with the complaint, issued under the Town of Sevastopol's village powers under sec.
28 60.22, Wis. Stats., during the suspension or revocation period.
- 29 4) The town board shall advise the permit holder of any decision regarding the status
30 of the permit.

31 **B. Owner of Premises Responsibility.**

32 Any owner or occupant of land in the Town of Sevastopol is responsible for the compliance
33 with this ordinance on the owner's or occupant's land regardless of the ownership of and
34 responsibility for the uses, activities, or things located on the land that are subject to this
35 ordinance.

36 **C. Summary Abatement.**

- 37 1) **Notice to Owner:** If the town chair, town committee, or other agent of the town
38 board determine that a public nuisance exists under this ordinance within the Town
39 of Sevastopol on private or public land and there is great, immediate, and substantial
40 danger or threat to the public health or safety, the town board, town chair, town
41 committee, or other agents of the town board may serve a written order upon the
42 person who is causing, permitting, or maintaining the public nuisance, and the owner
43 or occupant of the premises where the public nuisance is caused, permitted, or
44 maintained. The order notice shall direct the owner or occupant to remove the public
45 nuisance within a time frame deemed to be reasonable by the town board and shall
46 state that unless the public nuisance is so timely abated, the town may cause, due to
47 the emergency conditions, the public nuisance to be abated and shall charge the
48 costs of the abatement, including all attorney fees, inspection fees, permit fees, and

1 any and all other charges associated with the abatement to the owner, occupant or
2 person causing, permitting, or maintaining the public nuisance.

- 3 **2) Abatement by Town:** If the public nuisance is not abated within the time provided
4 in the notice under paragraph 1) or if the owner, occupant, or person causing,
5 permitting, or maintaining the public nuisance, if known, cannot be found, the town
6 chair, the town committee, or other agents of the town board, with the approval of
7 the town board, may cause the abatement or removal of the public nuisance by
8 seeking for the Town of Sevastopol a court order that allows for the immediate
9 enjoinder and abatement of the public nuisance.

10 **D. Abatement by Court Action.** If the town board determines that a public nuisance exists in
11 the Town of Sevastopol on public or private premises but that the nature of the nuisance
12 does not threaten great, immediate, and substantial danger to the public health or safety,
13 the town board may in its discretion direct the town clerk to take one or more of the
14 following actions:

- 15 **1)** Cause to be issued and served a written order to cease and desist the public nuisance
16 upon the person causing, permitting, or maintaining the public nuisance and the
17 owner or occupant of the premises where the public nuisance is located.
18 **2)** Cause to be issued and served a citation for violation of this ordinance upon the
19 person causing, permitting, or maintaining the public nuisance and the owner or
20 occupant of the premises where the public nuisance is located.
21 **3)** Cause the town attorney to draft a formal civil complaint to be filed and served upon
22 the alleged violators based upon an alleged violation of this ordinance or the
23 conditions of any permit as issued.
24 **4)** Have drafted by the town attorney to be filed and served a formal complaint for
25 abatement of the public nuisance under Chapter 823, Wis. Stats.

26 **E. Other Methods Not Excluded.**

27 Nothing in this ordinance may be construed as prohibiting the injunction and abatement of
28 public nuisances against any person, including against a permit holder that holds a current
29 and valid permit issued under this or any other Town of Sevastopol ordinance, by the town
30 or its officials in accordance with the laws of the State of Wisconsin or in this ordinance.
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32 **13. COSTS OF ABATEMENT OR DISPOSAL.**

33 In addition to any other penalty imposed by this ordinance for the erection, contrivance,
34 creation, continuance, or maintenance of a public nuisance and violation of this ordinance, the
35 cost of abatement, including all attorney fees, inspection fees, permit fees, witness fees, and any
36 and all other charges associated with the abatement of any public nuisance by the Town of
37 Sevastopol may be collected under this ordinance or sec. 823.06, Wis. Stats., as a debt or
38 expense, from the owner or occupant of the real property for causing, permitting, or maintaining
39 the public nuisance. If notice to abate the nuisance has been given to the owner or occupant
40 previously, the cost of abatement, including all attorney fees, inspection fees, permit fees,
41 witness fees, and any and all other charges associated with the abatement of any public nuisance
42 by the Town of Sevastopol may be assessed against the real property for services rendered and
43 incurred by the Town of Sevastopol to enjoin or abate the public nuisance as a special charge
44 under sec. 66.0627, Wis. Stats. unless paid earlier. If any vehicle, structure, equipment,
45 implement, appliance, or animal is abandoned or remains unclaimed in violation of this
46 ordinance, the town board of the Town of Sevastopol may proceed to declare this personal
47 property abandoned and proceed to dispose of this personal property under sec. 66.0139, Wis.
48 Stats., by public auction or other means as determined by the town board.

14. PENALTY.

A. **First Offense Penalty.** Any person who shall violate this ordinance or any part thereof shall upon conviction thereof forfeit not less than One Hundred Dollars (\$100.00) nor more than Five Hundred Dollars (\$500.00), for each such offense, together with the cost of prosecution, including all attorney fees, inspection fees, witness fees, permit fees, and any and all other charges associated with the proceedings. Each day of violation shall be considered a separate and distinct violation.

B. **Second Offense Penalty.** Any person guilty of violating this ordinance or any part thereof who shall previously have been determined to be in violation of this ordinance shall forfeit not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1000.00) for each such offense, together with the cost of prosecution, including all attorney fees, inspection fees, witness fees, permit fees, and any and all other charges associated with the proceedings. Each day of violation shall be considered a separate and distinct violation.

15. SEVERABILITY.

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.

16. EFFECTIVE DATE.

This ordinance shall become effective upon publication.

The town clerk shall properly publish this ordinance as required under sec. 60.80, Wis. Stats.

Adopted this 23 day of May, 2011.

Submitted by:

Chuck Tice

Chuck Tice, Chairperson,
Property Management Committee

Certification:

I, Linda Wait, Clerk of the Town of Sevastopol, hereby certify that the above is a true and correct copy of an ordinance that was adopted on the 23rd day of May, 2011, by the Town Board of Supervisors.

Linda D. Wait

Linda D. Wait, Clerk
Town of Sevastopol

COUNTERSIGNED:

Leo W. Zipperer
Leo W. Zipperer, Town Board Chairman

Roll Call Board Members	Aye	Nay	Exc.
Tom Girman	✓		
John Staveness	✓		
Chuck Tice	✓		
Dan Woelfel	✓		
Leo Zipperer	✓		