

1 **TOWN OF SEVASTOPOL**  
2 **Door County, Wisconsin**

3  
4 **ORDINANCE No. 03-2011**  
5 **KEEPING OF ANIMALS**  
6

7 Upon adoption, this ordinance shall replace **ORDINANCE No. 1985/1-85 (KEEPING OF ANIMALS)** in its  
8 entirety, and shall supersede any and all ordinances pertaining to the control and keeping of animals in  
9 the Town of Sevastopol adopted before May 23, 2011.

10  
11 The Town Board of the Town of Sevastopol does ordain the Keeping of Animals Ordinance as follows:  
12

13 **1. TITLE AND PURPOSE.**

14 The title of this ordinance is the TOWN OF SEVASTOPOL, ORDINANCE No. 03-2011, KEEPING OF  
15 ANIMALS. The purpose of this ordinance is to regulate for public health and safety reasons the  
16 keeping of a large number of dogs, cats or other animals in a highly populated residential area for  
17 a considerable period of time which detracts from and in many instances is detrimental to the  
18 health and comfortable life for which such areas were created.  
19

20 **2. AUTHORITY.**

21 The town board has specific authority under Chapters 60 and 66, Wis. Stats., and general  
22 authority under its village powers under sec. 60.22, Wis. Stats., to adopt this ordinance.  
23

24 **3. ENFORCEMENT.**

25 The enforcement of this ordinance shall be in accordance with the Wisconsin Statutes, with  
26 specific attention to Chapters 29, 91, 92, 95, 169, 172, 174, 778, 814, 823, and 951, Door County  
27 Ordinance 39.19, Town of Sevastopol Ordinance Nos. 01-2011 and 04-2011, and this ordinance of  
28 the Town of Sevastopol.  
29

30 **4. ADOPTION OF ORDINANCE.**

31 This ordinance, adopted by a majority of the town board on a roll call vote with a quorum  
32 present and voting and proper notice having been given, provides for the regulation of the  
33 keeping of animals in a highly populated residential area in the Town of Sevastopol.  
34

35 **5. PUBLIC NUISANCE PROHIBITED.**

36 Any violation of the provisions of this ordinance regulating the keeping of any animals other than  
37 indoor dwelling animals, cats or dogs in a highly populated residential area in the Town of  
38 Sevastopol is hereby declared to be a public nuisance. No person shall erect, contrive, cause,  
39 continue, maintain or permit to exist, any public nuisance within the Town of Sevastopol.  
40

41 **6. RIGHT TO FARM.**

42 This ordinance should not be construed to adversely affect the harboring of livestock or the  
43 existing legal operation of any farm operating in any zoning district in which agricultural use is  
44 permitted as defined in sec. 823.08, Wis. Stats. Any future zoning changes that would create a  
45 zoning district such as a conservation subdivision or districts similar to HEARTLAND - 3.5 (HL 3.5),  
46 or HEARTLAND - 5 (HL 5) as defined in the Door County Land Division Ordinance in which the

1 allowable lot size would be five (5) acres or less and in which agricultural use is allowed shall  
2 adhere to the definition of highly populated residential area and shall not be exempt from the  
3 provisions of this ordinance.  
4

5 **7. DEFINITIONS.**

6 **A. Highly Populated Residential Area.**

7 For the purpose of this ordinance, Highly Populated Residential Area shall mean any area,  
8 presently existing or to be created in the future, in the Town of Sevastopol in which three  
9 (3) or more residential lots have been created that are each five (5) acres or less in size or  
10 any area in which three (3) or more dwellings are located with less than six hundred (600)  
11 feet separating each of them measured from the most protruding over-hang, deck or patio.

12 **B. Animal.** For the purpose of this ordinance, Animal shall mean any creature other than a  
13 human being.

14 **C. Indoor Dwelling Animal.** For the purpose of this ordinance, Indoor Dwelling Animal shall  
15 mean any domesticated animal, small in stature that is confined or normally lives the  
16 majority of its life indoors, such as parakeets, reptiles, fish, hamsters or gerbils, regardless of  
17 sex or age.

18 **D. Cat.** For the purpose of this ordinance, Cat shall mean any feline regardless of breed, age or  
19 sex.

20 **E. Dog.** For the purpose of this ordinance, Dog shall mean any canine regardless of breed, age  
21 or sex.

22 **F. Livestock.** For the purpose of this ordinance, Livestock shall mean any horse, bovine,  
23 sheep, goat, pig, llama, alpaca, domestic rabbit, farm-raised deer, as defined in sec. 95.001  
24 (1) (ag), Wis. Stats., or domestic fowl, including any farm-raised game bird, as defined in  
25 sec. 169.01 (12m) 1999, Wis. Stats., or any other animal normally harbored on a farm other  
26 than a cat or dog.

27 **G. Agricultural Use.** For the purpose of this ordinance, Agricultural Use shall mean any of the  
28 following activities conducted for the purpose of producing income or a livelihood:  
29 production of crop or forage, keeping of livestock, bee keeping or any other activity listed in  
30 sec. 91.01(2), Wis. Stats.

31 **H. Farm.** For the purpose of this ordinance, Farm shall mean all land under common  
32 ownership that is primarily devoted to agricultural use.

33 **I. Residential Lot.** For the purpose of this ordinance, Residential Lot shall mean a parcel of  
34 land located within the Town of Sevastopol, which may be occupied by a dwelling, platted or  
35 unplatted and under common ownership. For the purpose of this section, any vacant parcel  
36 or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.

37 **J. Family.** For the purpose of this ordinance, Family shall mean one (1) or more persons.

38 **K. Litter.** For the purpose of this ordinance, Litter shall mean a number of young dogs, cats or  
39 other animals at one (1) birth.  
40

41 **8. NUMBER OF ANIMALS LIMITED.**

42 **A. Combined Total.** No person or family shall own, harbor or keep in its possession more than  
43 four (4) in total of dogs, and cats within any highly populated residential area within the  
44 Town of Sevastopol without first obtaining a permit from the town board, except that a  
45 litter or a portion of a litter of pups or kittens may be kept for not more than twenty (20)  
46 weeks from birth. If more than one (1) family resides on a lot in a highly populated  
47 residential area then only four (4) in total of dogs and cats shall be allowed on said lot.

48 **B. Exemption.** Upon adoption of this ordinance, all persons residing in the Town of

1 Sevastopol who on that date would not be in compliance with this ordinance because of  
2 the type or number of animals they keep in their possession will receive an exemption  
3 from this ordinance provided that within six (6) months from adoption of said ordinance  
4 they apply for and receive a free permit for the harboring of a prohibited type of animal or a  
5 larger number of dogs and/or cats than herein permitted. If this application is not received  
6 by the Sevastopol Town Clerk within the afore mentioned six (6) months, that application  
7 shall become subject to the application for permit process described in section **10.-B.** below.  
8

9 **9. CLEANING UP AFTER ANIMALS.**

10 Any person who allows their animal (pet) to defecate on public or private property other than  
11 their own is hereby required to promptly pickup, remove and dispose of such excrement in a safe  
12 and proper place or manner.  
13

14 **10. THE KEEPING OF OTHER ANIMALS OR A LARGER QUANTITY OF DOGS AND CATS.**

15 **A. Permit Required.** The keeping of other animals or more than four (4) in total of dogs and  
16 cats is prohibited except upon permit granted by the town board, with approval of the  
17 animal control officer and issued by the town clerk. In approving such permit, the town  
18 board and the animal control officer shall consider the type of animal, number of animals to  
19 be kept, the ability of the owner to care for the animals, their location, neighbors concerns,  
20 the facilities to be used for such purpose and the likelihood of a public or private nuisance  
21 being created. This permit shall be valid only for those animals listed on the application. The  
22 permit holder shall not be permitted to increase the number of animals or replace any  
23 animal without first applying for and receiving a new permit.

24 **B. Application for Permit.** An application for a permit to harbor other animals or more than  
25 four (4) in total of dogs and cats may be obtained from the town clerk. Upon return of the  
26 completed application with all information requested the clerk will notify the town  
27 chairperson or the property management committee chairperson of the request and said  
28 chairperson will cause to be collected all necessary information, all pertinent persons to be  
29 notified, and may schedule a public hearing for the dispassion of the application. After  
30 deliberation, the town board shall either deny or grant approval for the permit.

31 **C. Animal Shelter and Cleaning Thereof.** All stables, coops, yards, pens or other structures  
32 wherein an animal is kept, shall be constructed so as to give the animal adequate protection  
33 and be easily cleaned and kept in good repair. The inside and outside of such structures shall  
34 be finished with such materials as can be easily cleaned. All such structures and surrounding  
35 areas shall be kept clean and sanitary and shall not cause any objectionable odor.  
36 Accumulations of rubbish, cleanings or manure in excessive amounts in any such structure  
37 or area shall be deemed a violation of this section.  
38

39 **11. ANIMALS TO BE CONFINED.**

40 **A. Animals at Large.** No person shall permit any dog, cat or other animal of which he/she is  
41 the owner or custodian to be at large within the Town of Sevastopol. Any animal shall be  
42 deemed to be at large when it is off the premises owned or leased by its owner, unless  
43 crated, penned or on a leash of sufficient strength to control the action of the animal.

44 **B. Animals Left Unattended.** No person shall permit any animal of which he/she is the owner  
45 or custodian to be left unattended within five (5) feet of any public rights-of-way.

46 **1) Unattended Animals.** Unattended animals shall include those animals which are  
47 crated, penned or leashed, but which are without personal supervision or control  
48 sufficient to properly restrain the animal. An animal confined to an enclosed, locked

1 automobile or other vehicle in which the animal cannot escape and has sufficient  
2 fresh air and water is not considered to be unattended.

- 3 **2) Public Rights-of-Way.** Public Rights-of-Way include, but are not limited to  
4 sidewalks, roads, streets, alleys, beaches, parks and parking lots.  
5

6 **12. KENNELS, ANIMAL SHELTERS AND POUNDS.**

7 Where kennels, animal shelters and pounds are permitted, no such kennel shall be located closer  
8 than two hundred feet (200) from the boundary of the nearest adjoining residential lot.

9 **13. ANIMALS SUSPECTED OF BITING PEOPLE.**

10 **A. Reporting of Biting Incidents.** All incidents occurring in the Town of Sevastopol where any  
11 animal bites a person or is suspected of biting a person shall be immediately reported to the  
12 health department, sheriff's department, animal control officer and the town clerk by any  
13 person having knowledge of such incident.

14 **B. Animal to Be Quarantined.** Any animal in the Town of Sevastopol, which bites a person, if  
15 it can be found, shall be quarantined for a period of fourteen (14) days from the date of the  
16 bite for the purpose of observation for the possibility of infection with the virus of rabies. All  
17 costs involved with the capture, transportation, quarantine and feeding of the animal shall  
18 be the sole responsibility of its owner or custodian.

19 **C. Confinement.** Such quarantine or confinement shall be effective as directed by the health  
20 commissioner, animal control officer or a representative thereof and may be:

- 21 1) Confinement of the animal to a structure or enclosure which is adequate to restrain  
22 the animal on premises of the owner or his/her agent;  
23 2) Confinement of the animal to the humane society or other holding facility (dog  
24 pound);  
25 3) Confinement of the animal with a licensed veterinarian;  
26 4) Confinement of the animal at a licensed animal hospital or boarding facility,  
27 approved by the health commissioner or animal control officer.

28 **D. Destruction of the Animal.** No animal in the Town of Sevastopol, which is known or  
29 suspected to have bitten a person shall be destroyed until after the fourteen (14) day  
30 quarantine period required above has elapsed unless it cannot be apprehended safely, in  
31 which case, destruction shall be accomplished without damage to the head of the animal if  
32 at all possible. The health commissioner, animal control officer and the town clerk shall be  
33 immediately notified of such destruction of an animal and the dead animal shall not be  
34 disposed of until such specimens as the appropriate health authority shall direct have been  
35 obtained and permission is given to then dispose of the dead animal.

36 **E. Quarantined Animal Dies.** If an animal which has been quarantined in accordance herein  
37 dies during the quarantine period, the person having custody of the animal shall  
38 immediately notify the health authorities and shall not destroy or dispose of the dead  
39 animal until such specimens as the appropriate health authority shall direct have been  
40 obtained and permission is given to then dispose of the dead animal.  
41

42 **14. VIOLATIONS.**

43 The Door County Sheriff's Department or the Town of Sevastopol Animal Control Officer shall  
44 have authority to take restraining action against any animal found to be in violation of this  
45 ordinance, which shall include the right to capture said animal and to deliver it to the nearest  
46 animal shelter. In addition, if any owner can be located said owner shall be notified of the action  
47 taken and shall further be notified of a violation of this ordinance if such notice is possible.  
48

1 **15. 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.  
31

## 32 **16. 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.

1 **17. PENALTY.**

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

8 **B. Second Offense Penalty.** Any person guilty of violating this ordinance or any part thereof  
9 who shall previously have been determined to be in violation of this ordinance shall forfeit  
10 not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars  
11 (\$1000.00) for each such offense, together with the cost of prosecution, including all  
12 attorney fees, inspection fees, witness fees, permit fees, and any and all other charges  
13 associated with the proceedings. Each day of violation shall be considered a separate and  
14 distinct violation.

15  
16 **18. SEVERABILITY.**

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

21  
22 **19. EFFECTIVE DATE.**

23 This ordinance shall become effective upon publication.

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

25  
26 Adopted this 23 day of May, 2011.

27  
28 Submitted by:

29 Chuck Tice

30  
31 Chuck Tice, Chairperson,  
32 Property Management Committee

33  
34 **Certification:**

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

40 Linda D. Wait

41  
42 Linda D. Wait, Clerk  
43 Town of Sevastopol

44  
45 **COUNTERSIGNED:**

46 Leo W. Zipperer  
47  
48 Leo W. Zipperer, Town Board Chairman

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