

TOWN OF GIBRALTAR

ORDINANCE 2022-11

ANIMALS

Ordinance 2022-11 Identified in the code of ordinances as 10.31 shall repeal and replace any previous ordinance(s) in whole or part, or any other ordinances contradicting to this new ordinance.

The Town Board of Gibraltar, in the County of Door, State of Wisconsin, does hereby ordain as follows:

Purpose – To ensure the safety of both citizens and animals in The Town of Gibraltar.

State Statutes Adopted – Authority

The Board of Supervisors of the Town of Gibraltar is granted authority for adopting this ordinance under its general 60.10(2)(c) and 60.22(3), Wisconsin Statutes. The Town Board Adopts this Ordinance under its general village powers authority and 66.1014 of the Wisconsin Statutes, 2917 Act 59.

Definitions

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal shall mean all living creatures, not human, endowed with sensation and power of voluntary movement, including mammals, birds, amphibians, and reptiles.

At large means off the premises of the owner and not under the immediate control of the owner or some other person.

Domestic animal means an animal of a species which is generally bred or kept by human beings, and which does not generally exist untamed and in the wild.

Non-domestic and/or wild animal means any native or non-native animal of a species which is generally not bred or kept by human beings, and which generally exists untamed and in the wild, or any animal that is wild, ferocious, or vicious by nature, habit, disposition, or character.

Owner means any person who owns, keeps, harbors, or has custody of an animal or any person who resides with a person who owns, keeps, harbors or has custody of an animal. Any person who accepts from an owner the temporary or permanent keeping or custody of an animal shall be considered an owner of the animal.

Public nuisance means any animal to which the following conditions apply:

Animals that are found on any property against the wishes of the owner or lawful occupant of the property. Damages or fouls the property of anyone other than its owner, are dangerous or vicious. Cause unsanitary conditions of enclosures or surroundings. Are diseased or dangerous to human health, that bark excessively or make prolonged and disturbing noises interfering with the peace and quietude of the neighboring property.

Public property includes all streets, sidewalks, boulevards, parks, beaches, and any public right-of-way located in the Town of Gibraltar.

Under restraint means an animal controlled, by a fence, leash and/or its owner's command within or outside the confines of the owner's property.

GENERAL PROVISIONS

Owners to exercise proper control of their animals

Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. A public nuisance is created by any owner who allows excessive, continuous, or untimely barking, howling, crying or yelping. Molesting or threatening persons, chasing vehicles, or attacking people or other domestic animals. Running at large on public or private property. Defecating on public property or private property.

Animals in vehicles

No person shall leave any animal in any standing or parked vehicle in such a way as to endanger the animal's health, safety, or welfare. An animal control officer, humane officer or police officer is authorized to use reasonable force to remove the animal from the vehicle whenever it appears that the animal's health, safety, or welfare will be endangered. Any person violating this section shall bear the full cost and expense incurred by the Town in the care, medical treatment, impoundment cost and disposal of the animal, including the removal from a vehicle as well as the penalty.

Collection of animal waste

All persons keeping animals in the Town, are prohibited from allowing their animals to leave their bodily excrements at large in the Town. Such persons are required to immediately collect such excrements upon being deposited and to dispose of it in a sanitary manner.

Penalty

- a. Any person found guilty of violating this ordinance or any part of this ordinance, shall be subject to a forfeiture of not less than \$50.00 or more than \$500.00 Together with the costs of prosecution and in rueful default of payment of such forfeiture and cost of prosecution, shall be imprisoned in the county jail until said forfeiture is paid, but not exceeding 60 days.
- b. Owners of animals who are involved in an incident where any animal makes an unprovoked attack on a person or other animal that causes bodily injury or death and occurs in a place other

than the enclosure in which the animal is kept, is liable for additional penalties up to \$500 set by the Town of Gibraltar fee Schedule under this ordinance.

b. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.

Enforcement

a. Enforcement shall be by citation

b. Schedule of Deposits. Deposits shall be made in cash, money orders, or certified check to the Clerk of Door County Circuit Court, who shall provide a receipt to the other office and the amount of the forfeiture schedule shall be stated above or such amount that the Circuit Court of Door County hereafter affixes.

c. Any person, firm, or corporation, violating any of the sub-sections of this ordinance may stipulate to the guilt or no contest and may pay to the Clerk of Court a bond according to a schedule prescribed by the Circuit Court of Door County. Such stipulation will make it unnecessary for the subject charged to appear in court and will act as a basis for the court to enter judgment and order forfeiture of the bond. Forfeitures, penalty assessments, costs and fees shall be disbursed as provided in Wisconsin Statutes, Section 66.12.

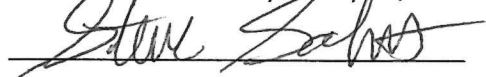
Reference to Statutes

Reference to specific statutory sections whenever used in this ordinance, shall mean Wisconsin Statutes as amended, modified, repealed or otherwise altered by the State Legislature.

Severability

If any of this Ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such a decision shall not affect the validity of any other provisions of this ordinance.

Amended this 10th day of July 10, 2020. Vote:



Steve Sohns, Chairperson

Ayes 5

Nays 0



Laura Reetz, Clerk