

**ORDINANCE # 4-2023 DOGS RUNNING AT LARGE  
TOWN OF DRAPER, SAWYER COUNTY, WISCONSIN**

**SECTION I – TITLE AND PURPOSE**

The title of this ordinance is the Town of Draper Dogs Running at Large Ordinance. The purpose of this ordinance is to regulate the care, treatment, and control of dogs in the town.

**SECTION II – AUTHORITY**

The town board has the authority under its village powers under s. 60.22, Wis. stats., and the specific authority under s. 60.23 (30), and chapters 173 and 174, Wis. stats., to adopt this ordinance.

**SECTION III – 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 care, treatment, and control of dogs in the town.

**SECTION IV – DEFINITIONS**

In this ordinance:

- A. “Abandoned” means that an owner has failed to pay the impoundment and care costs incurred by the town, as specified in Section IX, subsection E, within 7 days after receipt by a dog's owner of written notice from the town clerk that the dog is under the possession and care of the town or its designated agents.
- B. “Law enforcement officer” means any person employed by the town for the purpose of detecting and preventing crime and enforcing laws or ordinances and who is authorized to make arrests for violations of the laws or ordinances that the person is employed to enforce.
- C. “Legal premises” means the real property owned or occupied by the owner of a dog.
- D. “Owner” means a person who owns, harbors, or keeps a dog.
- E. “Running at large” means off the owner's legal premise and not under the control of the owner or some other person.
- F. “Stray dog” means a dog running at large whose owner is unknown.
- G. “Town” means the Town of Draper in Sawyer County, Wisconsin.
- H. “Town board” means the board of supervisors for the Town of Draper, Sawyer County, Wisconsin, and includes designees of the town board authorized to act for the town board.
- I. “Town clerk” means the clerk of the Town of Draper, Sawyer County, Wisconsin.
- J. “Wis. stats” means the Wisconsin Statutes, including successor provisions of cited statutes.

**SECTION V - SUBDIVISION AND NUMBERING OF THIS ORDINANCE**

This ordinance is divided into sections designated by uppercase Roman numerals. Sections may be divided into subsections designated by uppercase letters. Subsections may be divided into

paragraphs designated by numbers. Paragraphs may be divided into subdivisions designated by lowercase letters. Subdivisions may be divided into subdivision paragraphs designated by lowercase Roman numerals. Reference to a “section,” “subsection,” “paragraph,” or “subdivision” includes all divisions of the referenced section, subsection, paragraph, or subdivision.

## SECTION VI – RESTRICTIONS ON DOGS

Except as provided in Section VII, no person may do any of the following:

- A. Allow any dog owned by that person to run at large in the town, including the campground, town park, town roads, and private property within the Town of Draper.
- B. Allow any dog owned by that person to be abandoned in the town.
- C. Allow a dog or dogs on the legal premises of its owner to continue to frequently or habitually howl, yelp, bark, or make other loud noises that serve to greatly annoy or disturb an adjacent owner or occupant of land or serve to greatly annoy or disturb any considerable number of persons within the town, as determined by the town board, or its designees, after receipt of written notice from the town board, or its designees, to the owner of the dog or to the owner of the legal premise where the dog is kept that the noise from the dog or dogs must be eliminated.

## SECTION VII – EXEMPTIONS FROM SECTION VI COVERAGE

- A. A dog that is actively engaged in the town in a legal hunting activity, including training, is not considered to be running at large if the dog is monitored or supervised by a person and the dog is ***on land in the town that is open to hunting or on land for which the person has obtained permission to hunt or train a dog***. Training may include dog trials or other dog-related outdoor events occurring in the town when these events have been approved by the town board, or its designees.
- B. A dog that is used by a law enforcement agency as defined in s. 165.83 (1) (b), Wis. stats., in the town to perform law enforcement functions is not considered to be running at large or untagged for purposes of this ordinance.
- C. A dog that is untagged and kept in the town for educational or scientific purposes as determined by the town board shall not be considered untagged for purposes of this ordinance.
- D. A dog that is untagged and is kept in the town for the blind, deaf, or mobility impaired as determined by the town board shall not be considered untagged for purposes of this ordinance.

## SECTION VIII – TOWN AUTHORITY

- A. Any person, including town officers and employees, may take into custody any dog running at large in the town but shall timely deliver the dog to Sawyer County Animal Control to provide care, treatment, or disposal of the dog.
- B. If the identity of the owner of a dog taken into custody under this ordinance is not known or cannot be determined with reasonable diligence, the dog shall be considered a stray dog.
- C. After seven days, unclaimed stray dogs and abandoned dogs may be released to a person other than the owner, in accordance with s. 173.23 (1m) (a), Wis. stats., euthanized under s. 173.23 (1m) (c), Wis. stats., or released for scientific or research purposes under s. 174.13, Wis. stats.
- D. The town and its officers and agents shall comply with chapters 173 and 174, Wis. stats.



- E. All persons in the town shall fully cooperate with the town regarding dogs in the town and shall answer frankly, fully, and truthfully all questions of the town relative to dog ownership, possession, and keeping of dogs within the town.

#### SECTION IX – PENALTY PROVISIONS

Any person, partnership, corporation, or other legal entity that fails to comply with the provisions of this ordinance shall, upon conviction, pay a forfeiture of not less than \$50 nor more than \$1000, plus the applicable surcharges, assessments, and costs for each violation. Each day a violation exists or continues constitutes a separate offense under this ordinance. In addition, the town board may seek injunctive relief from a court of record to enjoin further violations.

#### SECTION X – SEVERABILITY CLAUSE

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.

#### SECTION XI – EFFECTIVE DATE

This ordinance is effective on publication or posting.

The town clerk shall properly post or publish this ordinance as required under s. 60.80, Wis. stats.

Adopted this 10th day of July, 2023



Richard Burt, Chairman



Timothy Kelley, First Supervisor



Steve Beining, Second Supervisor



Elizabeth Klein, Clerk