



**GRAFTON**  
QUALITY LIFE. NATURALLY.

**Town of Grafton Ordinance No. 2021-01**

**AN ORDINANCE AMENDING TITLE 7, LICENSING AND REGULATION, CHAPTER 1, REGULATION OF ANIMALS, OF THE CODE OF ORDINANCES, TOWN OF GRAFTON, WISCONSIN, REPEALING CERTAIN RESTRICTIONS ON THE KEEPING DOGS AND OTHER ANIMALS WITHIN THE TOWN**

**WHEREAS**, Wis. STAT. §§ 60.10 and 60.23(30) provide that the Town may impose regulations on animals within its jurisdiction in the interest of the health, safety and general welfare of the community; and

**WHEREAS**, the Town enacted said regulations but has encountered enforcement issues and believes it is in the best interest of Town residents and the health, safety and general welfare of the community at large to vest the regulation of vicious and at-large dogs to Ozaukee County and/or the State of Wisconsin to ensure prompt investigation and prosecution of such hazards; and

**WHEREAS**, a Notice of Public Hearing before the Town Board was duly published in the *Ozaukee Press* on SEP 30, 2021, and OCT 7, 2021; and

**WHEREAS**, a Public Hearing was held before the Town Board on October 13, 2021, regarding the proposed Repeal and Amendments to the Town's Code of Ordinances; and

**WHEREAS**, based on the above, it is deemed to be in the best interest of the Town of Grafton that the Municipal Code of the Town of Grafton be further modified and amended in the manner hereinafter more particularly set forth below.

**NOW, THEREFORE**, the Town Board of the Town of Grafton does hereby ordain as follows:

**Section 1:**

The Town of Grafton Code of Ordinances is hereby amended as provided below by striking and underscoring of language pertaining to the regulation of animals within the Town:

**7.1.1 Definitions.**

**7.1.1.01 Definitions**

In this Chapter, unless the context or subject matter otherwise require:

- (A) "Animal" means mammals, reptiles and birds.
- (B) "At large" means to be off the premises of the owner, ~~and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.~~
- (C) "Cat" shall mean any feline, regardless of age or sex.

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**7.1.1.07 Responsibility for Quarantine and Laboratory Expenses**

The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, reparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

~~**7.1.8 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.**~~

~~**7.1.8.01 Restrictions**~~

~~It shall be unlawful for any person within the Town of Grafton to own, harbor or keep any dog or cat which:~~

- ~~(A) Habitually pursues any vehicle upon any public street, alley or highway in the Town;~~
- ~~(B) Assaults or attacks any person or destroys property;~~
- ~~(C) Is at large within the limits of the Town;~~
- ~~(D) Habitually barks or howls to the annoyance of any person or persons. (See Section 7.1.13);~~
- ~~(E) Kills or wounds any domestic animal;~~
- ~~(F) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies; or~~
- ~~(G) In the case of a dog, is unlicensed.~~

~~**7.1.8.02 Vicious Dogs and Animals**~~

- (A) ~~No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Subsection, a dog shall be deemed as being of a vicious disposition within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.~~
- (B) ~~No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.~~

**7.1.8.03 — Animals Running at Large**

- (A) ~~No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Town. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Town Code to be licensed shall be seized and impounded by a humane or law enforcement officer.~~
- (B) ~~A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.~~

**7.1.8.04 — Owner's Liability for Damage Caused by Dogs; Penalties**

~~The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.~~

**7.1.9 — Impoundment of Animals.**

**7.1.9.01 — Animal Control Agency**

- (A) ~~The Town of Grafton may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.~~
- (B) ~~The Town of Grafton does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.~~

**7.1.9.02 — Impounding of Animals**

~~In addition to any penalty hereinafter provided for a violation of this Chapter, any law enforcement or humane officer may impound any dog, cat or other animal~~

~~which habitually pursues any vehicle upon any street, alley or highway of this Town, assaults or attacks any person, is at large within the Town, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Town for any damages it sustains for improper or illegal seizure.~~

~~**7.1.9.03 — Claiming Animal; Disposal of Unclaimed Animals**~~

~~After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Town, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for fourteen (14) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Town Board. No animal shall be released from the pound without being properly licensed if so required by state law or Town Ordinance.~~

~~**7.1.9.04 — Sale of Impounded Animals**~~

~~If the owner does not reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.~~

~~**7.1.9.05 — Town Not Liable for Impounding Animals**~~

~~The Town and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.~~

~~**7.1.10 — Dogs and Cats Restricted on Cemeteries.**~~

~~No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind or hearing impaired persons shall be exempt from this Section.~~

~~**7.1.11 — Animal Fees**~~

~~The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.~~

~~**7.1.12 — Injury to Property by Animals**~~

~~It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the~~

~~permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.~~

~~**7.1.13 Barking Dogs or Crying Cats**~~

~~It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Town within a four (4) week period.~~

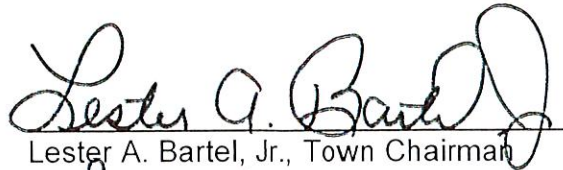
**Section 2:**

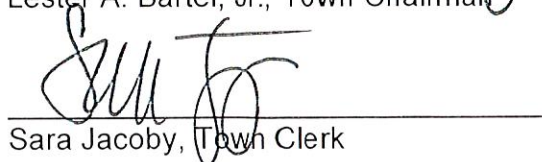
Except as hereinabove specifically repealed, modified and amended, the Code of Ordinances, Town of Grafton, Wisconsin, shall remain in full force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

**Section 3:**

This Ordinance shall take effect and be in full force from and after its passage and publication or posting.

Adopted by the Town Board of the Town of Grafton, Ozaukee County, Wisconsin, at its regularly scheduled meeting on this 13 day of October, 2021.

  
Lester A. Bartel, Jr., Town Chairman

  
Sara Jacoby, Town Clerk

Posting Date: October 21, 2021