

**TITLE 7 - LICENSING AND REGULATION**

**Chapter 1 - Regulation of Animals**

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**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.
  - (C) "Cat" shall mean any feline, regardless of age or sex.
  - (D) "Collar" means a band, strip or chain placed around the neck of a dog.
  - (E) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
  - (F) "Dog" shall mean any canine, regardless of age or sex.
  - (G) "Domestic animal" includes livestock, dogs and cats.
  - (H) "Farm Animal" means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (I) "Law Enforcement Officer" has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 173.03, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
  - (J) "Livestock" means any horse, bovine, sheep, goat, pig, llama, alpaca, domestic rabbit, farm-raised deer, as defined in Sec. 95.001(1)(ag), or domestic fowl, including any farm-raised game bird, as defined in Sec. 169.01(12m).
  - (K) "Neutered" as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.
  - (L) "Officer" has the meaning designated under Sec. 95.21(1)(b).
  - (M) "Owner" includes any person who owns, harbors or keeps a dog.
  - (N) "Pet" means an animal kept and treated as a pet.
- State Law Reference: Secs. 174.05 through 174.09, Wis. Stats.

**7.1.2 Dog License Required.**

**7.1.2.01 License Required**

It shall be unlawful for any person in the Town of Grafton to own, harbor or keep any dog of more than five (5) months of age without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.

**7.1.2.02 Exemption of Dogs for Blind, Deaf and Mobility-Impaired**

Pursuant to Sec. 174.055, Wis. Stats., every dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the Town upon application.

**7.1.3 Rabies Vaccination Required for License.**

**7.1.3.01 Rabies Vaccination**

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Town of Grafton after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Town unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the immunization revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.

**7.1.3.02 Issuance of Certificate of Rabies Vaccination**

A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number stating the owners' name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Town.

**7.1.3.03 Copies of Certificate**

The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

**7.1.3.04 Rabies Vaccination Tag**

After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

**7.1.3.05 Tag to be Attached**

The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of Secs. 7.1.3.01-7.1.3.06 do not apply to a dog which is not required to be vaccinated under this Code or the Wisconsin Statutes.

**7.1.3.06 Duplicate Tag**

The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate

of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

**7.1.3.07 Cost**

The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

**7.1.4 Issuance of Dog Licenses.**

**7.1.4.01 Dog Licenses**

- (A) It shall be unlawful for any person in the Town of Grafton to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Secs. 174.05 through Sec. 174.09, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
- (B) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
- (C) The license tax under this Section shall be as provided in Title 1, Ch. 3.
- (D) The license year shall commence January 1 and end December 31.
- (E) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7.1.3 of this Chapter, the Town Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Town Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (F) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7.1.3.05.
- (G) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached. Each day that any dog within the Town of Grafton continues to be unlicensed constitutes a separate offense for which a separate penalty applies.
- (H) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Town Treasurer upon application therefor.

**7.1.4.02 Multiple Dog Licenses**

- (A) Any person who keeps more than one dog may, instead of the license tax for each dog required by this Chapter, apply for a multiple dog license for

the keeping of the dogs. Upon payment of the required license tax and, if required by the Town Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Town Treasurer or his deputy shall issue the multiple dog license and the number of tags equal to the number of dogs authorized to be kept by the person..

- (B) Multiple dog license tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The owner or keeper of dogs for which a multiple dog license has been issued shall keep at all times a multiple dog license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a multiple dog license but this requirement does not apply to a dog during competition or training , to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another if the other dog is currently immunized against rabies. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. No dog bearing a multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner’s or keeper’s premises unless the dog is in leash or temporarily out for the purposes of hunting, breeding, trial, training, or competition.
- (C) Applicability of other requirements. Unless clearly inapplicable, all other provisions of this Chapter relating to the individual dog license tax, licenses, and tags shall apply to the multiple dog license and tax.

**7.1.5 Late Fees.**

The Town Treasurer shall assess and collect a late fee as set by the Town Board from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

**7.1.6 Listing.**

**7.1.6.01 Responsibility to List**

The Town shall annually, by September 1, ascertain by diligent inquiry the dogs owned or kept within the assessment district.

**7.1.6.02 Listing Official**

The Town Treasurer is designated as the listing official for the Town.

**7.1.6.03 Cooperation With Listing Official**

Every person shall answer frankly and fully all questions asked by the listing official relative to the ownership or keeping of dogs within the Town.

**7.1.6.04 Records**

The listing official shall enter in the records for personal property assessments, or in a separate record, all dogs in the Town subject to tax, to whom they are assessed, the name, number, sex, spayed or unspayed, neutered or unneutered, breed and color of each dog. The listing official shall make in triplicate a list of the owners of all dogs assessed.

**7.1.6.05 List Delivery**

The listing official shall, by September 15, deliver one copy of the list to the county clerk and one copy to the official to whom license taxes are paid under Sec. 174.08, Wis. Stats., and retain one copy for his or her files.

**7.1.7 Rabies Quarantine.**

**7.1.7.01 Dogs and Cats Confined**

If a district is quarantined for rabies, all dogs and cats within the Town shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Town Clerk shall promptly post in at least three (3) public places in the Town notices of quarantine.

**7.1.7.02 Exemption of Vaccinated Dog or Cat From Town Quarantine**

A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Town quarantine provisions of Subsection 7.1.7.01 if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

**7.1.7.03 Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies**

- (A) Quarantine or sacrifice of dog or cat. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
- (B) Sacrifice of other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.

**7.1.7.04 Quarantine of Dog or Cat**

- (A) Delivery to isolation facility or quarantine on premises of owner. An officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24), hours after the original order is

issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

- (B) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (C) Risk to animal health.
- (1) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
- (2) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (D) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

**7.1.7.05 Delivery; Examination by Laboratory of Hygiene**

An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies.



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The State Laboratory of Hygiene shall notify the Town, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

**7.1.7.06 Cooperation of Veterinarian**

Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Town, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

**7.1.7.07 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 Reserved**

**7.1.9 Reserved**

**7.1.10 Reserved**

**7.1.11 Reserved**

**7.1.12 Reserved**

**7.1.13 Reserved**

**7.1.14 Penalties.**

The penalties for violation of any of the provisions of this ordinance shall be as provided in Sec. 1.1.6, TGO.

**7.1.15 Reserved**

**7.1.16 Reserved**

**7.1.17 Regulation of Chickens.**

**7.1.17.01 Purpose and Intent.**

The purpose of this section is to outline conditions under which Town residents may keep a limited number of chickens in zoning districts other than the A-1 and A-2 zoning districts, where poultry raising is a permitted use, to ensure and maintain property conditions and values, and to protect the health, safety, and welfare of the general population of the Town of Grafton.

**7.1.17.02 Definitions.**

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For the purpose of this section, the following terms have the meaning indicated:

- (A) Abutting Property – All property that abuts an applicant’s property at one or more points except public streets.
- (B) Rear Yard – Rear yard shall be defined the same as that provided in the Zoning Code, Title 9, Chapter 1.
- (C) Chicken – Chicken shall mean a female hen of any age, including chicks. This definition does not include other kinds of fowl including but not limited to ducks, quail, pheasant, geese, turkeys, guinea hens, peacocks, emus, or ostriches.
- (D) Coop – Coop shall mean an enclosed structure, building or pen within which chickens roost or are housed.

**7.1.17.03 Keeping of Chickens.**

Subject to Plan Commission approval, chickens may be kept or maintained upon the following:

- (A) Up to twelve (12) chickens may be raised on a lot upon proof of notification of all abutting property owners. Proof of notification of all abutting property owners must accompany the permit application.
- (B) Rental tenants of a single-family dwelling or a two-family dwelling shall abide by the rules set forth in 7.1.17.05 herein, and shall obtain the written approval of their landlord prior to the keeping or maintaining of chickens on the rental premises. The landlord’s written approval must accompany the permit application.
- (C) Educational facilities are allowed to keep chickens for educational purposes only.
- (D) Chickens may be allowed in the local veterinarian’s office for the purpose of observation or treatment.
- (E) In addition to twelve (12) adult chickens, newly hatched chickens (chicks) living in a brooder may be kept in a residence or outbuilding up to the age of three (3) weeks.

**7.1.17.04 Chickens are Not Allowed.**

Chickens are not allowed to be kept or maintained upon the following:

- (A) Mobile home parks.
- (B) Vacant lots unless the person requesting the permit resides on the abutting property and the coop cannot be easily seen from the street.
- (C) Condominiums.
- (D) The keeping of chickens in any non-residential district, other than the A-1 and A-2 zoning districts, will only be allowed with the special approval of the Plan Commission.

**7.1.17.05 Permit Required.**

- (A) No property owner or tenant shall own, keep or maintain chickens without first obtaining a permit. The permit process requires a completed application accompanied by the application fee prescribed in the Town’s Annual Fee Schedule, and Plan Commission review and approval.

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- (B) The applicant for a permit must notify all abutting property owners of their intent to keep or maintain chickens prior to applying for a permit and the permit application must certify that all such property owners have been notified. A list of all property owners and their addresses must be included with the permit application, which shall be submitted prior to the applicant's appearance before the Plan Commission. No permit to keep or maintain chickens shall be issued unless all requirements are met.
- (C) The above requirements shall not be required for renewal of a permit as long as the permit is kept current.
- (D) The permit shall be renewed annually. The permit year shall commence on January 1, and shall end on the following December 31. For the calendar year 2013 only, the permit will be valid from date of issuance through December 31, 2014.
- (E) A permit granted shall not transfer to any other property or successor owners of permitted property unless all provisions of this section are met.

**7.1.17.06 Fees.**

- (A) The annual fee for keeping and maintaining up to twelve (12) chickens shall be set forth in the Town's Annual Fee Schedule and must be paid to the Town Clerk at the time of application. This fee shall not be prorated.
- (B) All renewal permits are due and payable to the Town no later than January 31 of the permit year. Failure to timely renew and pay will result in forfeiture of the permit. Upon forfeiture an applicant shall be required to meet all initial requirements as set forth in 7.1.17.05 above.

**7.1.17.07 Property Requirements.**

- (A) A coop and any attached enclosure shall be not less than ten feet (10') from any lot line, shall be located in the rear yard of the permit holder's residence, and shall meet all other applicable requirements for accessory buildings as set forth in the Zoning Code, Title 9, Chapter 1.
- (B) A coop and any attached enclosure shall not be closer than twenty-five feet (25') to an abutting residence in addition to the restrictions in paragraph (A) above.
- (C) A coop may not be located closer to a neighboring residence than to the residence located upon the coop's parcel.

**7.1.17.08 Coop Design.**

- (A) All chickens shall be kept and maintained within a ventilated and roofed coop constructed of sturdy, predator-proof material in compliance with any applicable state and local requirements.
- (B) All coops, including an attached coop enclosure, shall be enclosed with wire netting or equivalent material that will prevent chickens from escaping the coop or the attached enclosure.
- (C) The coop structural floor shall allow at least six (6) square feet per chicken, and the height of the coop shall not exceed eight (8) feet above ground level.

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- (D) The coop shall have a clear open space to allow the chickens to walk on the ground or a concrete slab.
- (E) All coop plans shall be reviewed and approved by the Plan Commission.

**7.1.17.09 Any Person Keeping Chickens.**

- (A) Shall keep or maintain chickens within a coop or attached coop enclosure at all times.
- (B) Shall not keep or maintain any roosters or male chickens older than ten (10) weeks.
- (C) Shall ensure that chickens are provided with access to feed and clean water at all times.
- (D) Shall comply with all state laws governing animal health and any applicable restrictive covenants.

**7.1.17.10 Sanitation.**

- (A) Chickens and their coops shall be kept and maintained at all times in outdoor areas and shall not be permitted inside a residential premise or dwelling, except as provided in 7.1.17.03(E).
- (B) Chicken feed shall be stored and kept in containers, which make the feed inaccessible to rodents, vermin, wild birds, and other predators.
- (C) All coops and rear yards where chickens are kept or maintained shall be reasonably free from chicken produced substances, including, but not limited to, chicken manure such that the air or environment around the chickens does not become noxious or offensive or create a condition that would reasonably promote the breeding of flies, mosquitoes, or other insects, or provide a habitat, breeding or feeding place for rodents or other animals, or otherwise be injurious to public health.

**7.1.17.11 Inspection.**

The Town shall have the power, whenever it may deem reasonably necessary, to enter a building, structure, or property where chickens are kept to ascertain whether the permittee is in compliance with this section. The permittee shall be responsible for all costs associated with the inspections. The Town building Inspector may issue compliance orders and citations pursuant to the provisions of this section.

**7.1.17.12 Revocation of Permit.**

The town shall revoke a permit to keep chickens in the event that the Town Building Inspector has issued two (2) or more violations of Section 7.1.17 within any thirty (30) day period. Once a permit is revoked, it shall not be reissued.

**7.1.17.13 Removal of Chickens.**

The Town may impound or remove any chickens for violations of this section. The chickens' owner shall be responsible for all costs associated with impoundment or removal.

**7.1.17.14 Removal of Coop.**

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Chicken coops shall be removed from the property within 90 days of permit revocation or non-renewal of permit. Failure to remove coop within the 90-day period may result in citations and/or the coop's removal by the Town. Coop owner shall be responsible for all costs associated with coop removal.

**7.1.17.15 Penalty.**

Any person, firm or corporation who violates any provisions of Section 7.1.17 shall, upon conviction thereof, forfeit \$10.00 per day from the date the citation is issued.

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