

TOWN OF LIBERTY
MANITOWOC COUNTY, WISCONSIN

Ordinance No. 2014 – 1013B

Kennel Permit

The Town Board of the Town of Liberty, Manitowoc County, Wisconsin, pursuant to its village powers under Sections 60.10, 60.22, and 61.34, Wis. Stats., in the interest of the public health, safety, welfare and convenience do ordain as follows:

Section 1. PURPOSE AND INTENT. It is hereby declared necessary in the interest of public health, safety, welfare and convenience that the keeping of dogs within the Town of Liberty be regulated so that they do not become a public nuisance. This Ordinance is adopted to achieve that purpose.

Section 2. DEFINITIONS. For purposes of this Ordinance, the following terms shall have the following meanings:

- 2.1 **Dog** means any canine animal.
- 2.2 **Dog Owner** means a person who keeps, harbors, or has control, charge of, or custody of a dog, or permits a dog to be kept, harbored or fed upon or within premises owned, leased, rented or occupied by a person. It does not require legal title or right to the dog.
- 2.3 **Person** means an individual, corporation, limited liability company, partnership, limited partnership, association, municipal corporation, or any other entity.
- 2.4 **Property** means a parcel in the Town of Liberty, Manitowoc County, Wisconsin.
- 2.5 **Public Nuisance** means a thing, act, occupation, condition or use of property that continues in the Town for such length of time as to do any of the following:
 - (a) Substantially annoy, interfere with, injure, or endanger the comfort, health, repose or safety of the public, or

- (b) In any way renders the public insecure in life or in the use of property.

A public nuisance includes, but is not limited to, the unreasonable disturbance of the peace and good order of the neighborhood or the substantial annoyance of persons within the town by the frequent or habitual howling, yelping, barking or other noises of a dog, or a dog running at large.

2.6 **Town** means the Town of Liberty, Manitowoc County, Wisconsin.

2.7 **Run at large** means the presence of a dog off the premises of its owner and not under the control of the owner or some other person.

Section 3. DOGS RUNNING AT LARGE. It shall be unlawful for any person owning any dog to permit the dog to run at large.

Section 4. KENNEL PERMIT REQUIRED. It shall be unlawful for any person to keep, harbor, or have control, charge or custody of five (5) or more dogs at the same time on property in the Town without first obtaining a Kennel Permit according to the terms of this Ordinance.

Section 5. PERMIT APPLICATION. A person shall file a completed application for a Kennel Permit with the Town Clerk. The Town may provide a separate application form. The application shall at a minimum contain the following information:

- 5.1 The address of the Kennel site (herein "property"), and the name, address, telephone number and email address of the Owner of the property;
- 5.2 The name, address, telephone number and email address of the person in charge of the property, if different from the Owner;
- 5.3 The real estate description, number of acres, and tax parcel number of the property;
- 5.4 The number of dogs to be kept at the property;
- 5.5 A site plan and a narrative description showing all buildings and improvements on the property, the kennel area, shelter area for dogs, all fences and enclosures;
- 5.6 Description of the specific measures to be employed to prevent the dogs from running at large;

5.7 Any other information deemed necessary by the applicant or as requested by the Town Board;

5.8 Any required application fee.

Section 6. APPLICATION FEE. The fee for a Kennel Permit shall be established by Town Board resolution.

Section 7. TOWN BOARD REVIEW. A completed application shall be submitted to the Town Board for review. The Town Board may request additional information from the applicant at any time during the review process. The Town Board will consider the following criteria in its review:

7.1 Whether the proposed location of the kennel is likely to avoid the unreasonable disturbance of peace and good order of the neighborhood by the barking and other noises from the kennel property;

7.2 Whether the proposed kennel improvements, fences and enclosures are likely to prevent the dogs running at large, and

7.3 Any other factors necessary to avoid the kennel being a public nuisance.

Section 8. DECISION. The Town Board may approve a permit with or without conditions, or deny a permit. Any conditions shall be consistent with the purpose and intent of this Ordinance. The basis for denial of a permit shall be stated in the record of the town board. All conditions shall be accepted by the applicant by signature prior to issuance by the Town Clerk of the Kennel Permit.

Section 9. PERMIT PROVISIONS. A Kennel Permit shall expire on June 30. The permit holder shall apply for a renewal of the permit on or before May 1, to be effective the following July 1. The permit holder shall provide the number of dogs in the kennel at the time of renewal application, and any other information requested to supplement and update any information pertaining to the kennel at the time of renewal. A permit is non-transferrable without written approval of the Town Board.

Section 10. ENFORCEMENT AND PENALTY. This Ordinance shall be enforced by the Town Enforcement Officer or the Town Board or its designee.

(A) PENALTY. Any person who shall violate this ordinance, shall, upon conviction thereof, pay a forfeiture as follows:

First offense \$25
Second offense \$50
Third offense \$100
Fourth offense or more offenses \$200

plus the applicable surcharges, assessments, and costs for each violation. In default of payment of such amounts such person shall be imprisoned in the County Jail until such amounts are paid but not exceeding 90 days.

(B) DAY OF VIOLATION. Each day of violation of this ordinance shall constitute a separate offense.

(C) CITATION. This ordinance may be enforced by the citation procedure as authorized by ordinance.

Section 11. SEVERABILITY. If any portion of this Ordinance is found to be invalid or unconstitutional by a court of competent jurisdiction, such finding shall not affect the remaining portions of this Ordinance which shall continue to be in full force and effect.

Section 12. EFFECTIVE DATE. This ordinance shall be effective the day following posting or publication according to law.

Adopted: 10-29-14

TOWN OF LIBERTY TOWN BOARD

By: 
Bill Pitz, Town Chairperson

Attest: 
Bobbi Reedy, Town Clerk