

ORDINANCE NO. 5

DOG AND CAT ORDINANCE

The Town Board for the Town of Geneva, Walworth County, Wisconsin, does ordain that the Town of Geneva Ordinance No. 5 is hereby repealed and that the following is hereby created.

Section 1. Owner Defined.

As used in this Ordinance, the term "Owner" means the actual Owner or any person harboring a dog or cat or any person having control of a dog or cat.

Section 2. At Large.

No Owner of any dog or cat in the Town of Geneva shall allow such dog or cat to run at large within the Town limits except on such Owner's premises or within his immediate presence and under his immediate and effective control. Under his immediate and effective control shall require such dog or cat to be controlled by a hand held leash except (i) dog or cat participating in hunting activity in open season (ii) or dogs or cats located in a designated enclosed area authorized by Town (iii) or dog or cat located upon property with consent of the owner of property upon which the dog or cat are located. Any dog or cat found in the Town of Geneva not within the Owner's premises or within his immediate presence and control, shall be deemed to be running at large, and the Owner thereof shall be deemed to have allowed such dog or cat to run at large.

Section 3. Impounding.

Any dog or cat found running at large may be immediately taken into custody by any police or peace officer whether or not it shall be necessary for such officer to enter the premises and buildings of the Owner of such dog or cat in order to effect such taking.

Section 4. Disposition of Impounded Dogs or Cats.

Any dog or cat taken into custody pursuant to this Section shall be impounded in a suitable place to be provided by the Township, not exceeding three (3) days. The release of any dog or cat so impounded shall be conditioned upon the payment by the Owner of such dog or cat of the minimum penalty imposed hereby, such penalty as may be imposed by constituted authority hereunder, together with costs of the maintenance of such dog or cat while so impounded, and any dog or cat not released within such 3-day period shall be summarily disposed of in the discretion of the Town authorities.

Section 5. Noisy Pets.

The keeping of howling, barking, and whining or screeching dogs or cats to the continuous annoyance and discomfort of surrounding neighbors, so that their rest is broken, sleep interrupted, or the reasonable use and enjoyment of their property disturbed, is a nuisance. Such dog or cat may be taken into custody as provided by Sections 3 and 4.

Section 6. Dog Waste.

No Owner of any dog in the Town of Geneva shall allow such dog to defecate on any public or private property without removal and proper disposal thereof immediately, excepting when defecation occurs on Owner's premises. Owners are encouraged to carry disposal materials.

Section 7. Dangerous Animals.

(1) Whenever it shall be determined by the Town Board or in an emergency, by the Police Department, upon the duly verified complaint of at least two (2) residents of the Town filed with the Town, that the animal is habitually fierce, vicious, dangerous, or is in the habit of attacking other animals, the owner of such animal, within twenty-four (24) hours after service by the Town or Town Board of written notice upon the owner to that effect, personally served upon such owner or forwarded to the owner at their usual address in the regular course of the United States mail, shall remove such animal from the Town or enclose it within an enclosure or walls sufficient to keep the animal from endangering any person or other animal and sufficient to prevent escape by said animal from the structure. The enclosure shall be locked in such a fashion to prevent children from gaining access to said enclosure. If the same does not, the Town Board may require the owner to reconstruct the enclosure to meet the requirements of this ordinance. Whenever such animal shall be so enclosed, a sign shall be displayed at every point of entrance to such enclosure, giving warning of the presence of such animal so confined. Failure of the owner to remove or enclose such animal or to construct an enclosure meeting the requirements of this ordinance, each day subsequent to the service of any notices to either enclose the animal or create an enclosure within the meaning of this ordinance shall be deemed a separate violation of the provisions of this Section. Such animal may be impounded if the animal poses a threat to the health or safety of humans or other animals.

Section 8. Penalty.

- A. Anyone violating the terms of Section 2 or 7 of this Ordinance shall forfeit not less than \$100 for the first violation, not less than \$500 for the second violation and subsequent violations, along with a mandatory court appearance, up to a maximum forfeiture of \$10,000.
- B. Anyone violating the terms of Section 5 of this Ordinance shall forfeit not less than \$60 for the first violation, not less than \$100 for the second violation and subsequent violations, along with a mandatory court appearance, up to a maximum forfeiture of \$10,000.
- C. Anyone violating the terms of Section 6 of this Ordinance shall forfeit not less than \$60 for the first violation, not less than \$100 for the second violation and subsequent violations, along with a mandatory court appearance, up to a maximum forfeiture of \$1,000.

Section 9. Restitution.

The Court may order any person found to have violated this ordinance to pay restitution as provided in §800.093, Wis. Stats.

Effective Date. The repeal of the existing Ordinance and the passage of this Ordinance shall take effect from and after its adoption by the Town Board and upon posting or publication thereof as provided by the Statutes of the State of Wisconsin.

Adopted this 12th day of June, 2023 by a vote of 4-1.