

TOWN OF AUBURN  
CHIPPEWA COUNTY, WISCONSIN

GENERAL CODE OF  
ORDINANCES AND REFERENCES

Codified through Ordinance No. \_\_\_\_\_, adopted September 14, 2011

# **ORDINANCE PERTAINING TO THE ADOPTION OF CODE OF ORDINANCES**

## **SECTION 1 – PURPOSE**

The purpose of this ordinance is to codify existing and proposed new Town ordinances.

It is intended that other ordinances, as they are adopted, will be codified and made a part of this Code for ease of use and access.

## **SECTION 2 – AUTHORITY**

The Town Board has the authority as set forth in the Wisconsin Statutes as amended from time to time. The Town has specific authority under ss. 66.0103, Wis. Stats., to adopt a Code of some or all of its ordinances.

The Town Board has adopted this ordinance on proper notice with a quorum present and after a roll call vote by a majority of the Town Board present and voting.

## **SECTION 3 – ADOPTION OF ORDINANCE**

The Code entitled “General Code of Ordinances, Town of Auburn, Chippewa County, Wisconsin” consisting of Chapters 1 through 80, inclusive, is hereby adopted.

## **SECTION 4 – EFFECT**

This ordinance does not repeal any existing ordinances except as specifically provided for in each of the codified chapters.

## **SECTION 5– AMENDMENTS TO THE CODE**

Amendments and additions to the Code, when passed in the form so as to indicate the intention of the Town Board to make the same a part of this Code shall be deemed to be incorporated in this Code so that reference to the Code includes the additions and amendments.

**SECTION 6 – EFFECTIVE DATE**

This ordinance shall become effective upon its publication as provided for by law.

The Town Clerk shall properly publish this ordinance as required under s. 60.80, Wis. Stats.

**TOWN OF AUBURN**

By: \_\_\_\_\_

Town Chairman

Attest: \_\_\_\_\_

Town Clerk

Date Adopted: September \_\_\_\_, 2011

Date Published: September \_\_\_\_, 2011

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## **CHAPTER 1**

### **CONSTRUCTION AND EFFECT OF ORDINANCES**

#### **SECTION 1 - RULES OF CONSTRUCTION**

In the construction of this Code, the following rules shall be observed unless such construction would be inconsistent with the manifest intent of the ordinance:

1. **WISCONSIN STATUTES.** All references to "Wisconsin Statutes" or "Wis. Stats." means the current edition of the Wisconsin Statutes and includes the most recent biennial session.
2. **GENDER, SINGULAR AND PLURAL.** Every word in this Code and in any ordinance imparting the masculine gender may extend and be applied to females as well as males, and every word imparting the singular number only may extend and be applied to several persons or things as well as to one person or thing; provided these rules of construction shall not be applied to any provision which contains any express language excluding such construction or when the subject matter or context of such provision may be repugnant thereto.
3. **PERSON.** The word "person" extends and applies to natural persons, firms, corporations, associations, partnerships or other bodies politic and to all entities capable of being sued, unless plainly inapplicable.
4. **ACTS OF AGENTS.** When a provision requires an act to be done which may by law as well be done by an agent as by the principal, such requirement shall be construed to include all such acts when done by an authorized agent.

#### **SECTION 2 - CONFLICT AND SEPARABILITY**

1. **CONFLICT OF PROVISIONS.** If the provisions of the different chapters of this Code conflict with or contravene each other, the provisions of each chapter shall prevail as to all matters and questions arising out of the subject matter of such chapter.
2. **SEPARABILITY OF CODE PROVISIONS.** If any section, subsection, sentence, clause or phrase of the Code is for any reason held to be invalid or unconstitutional by reason of any decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof. The Board hereby declares that it would have passed this Code and each section, subsection, sentence, clause,

phrase or portion thereof irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

### **SECTION 3 - CLERK TO FILE DOCUMENTS INCORPORATED BY REFERENCE**

Whenever in this Code any standard, code, rule, regulation or other written or printed matter is adopted by reference, it shall be deemed incorporated in this Code as if fully set forth herein, and the Clerk shall file, deposit and keep in his office a copy of the Code, standard, rule, regulation or other written or printed matter as adopted. Materials so filed, deposited and kept shall be public records open for examination with proper care by any person during the Clerk's office hours, subject to such orders or regulations which the Clerk may prescribe for their preservation.

### **SECTION 4 - PENALTY PROVISIONS**

1. **GENERAL PENALTY.** Except as otherwise provided, any person who shall violate any of the provisions of this Code shall, upon conviction of such violation, be subject to a penalty which shall be as follows:
  - a. **First Offense** Any person who shall violate any provision of this Code shall, upon conviction thereof, forfeit not less than \$5 nor more than \$500, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution, shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 90 days.
  - b. **Second Offense** Any person found guilty of violating any ordinance or part of an ordinance of this Code, who has previously been convicted of a violation of the same ordinance within one year shall, upon conviction thereof, forfeit not less than \$10 nor more than \$500 for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until such forfeiture and costs are paid, but not exceeding 6 months.
2. **CONTINUED VIOLATIONS.** Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Code shall preclude the Town from maintaining any appropriate action to prevent or remove a violation of any provision of this Code.
3. **EXECUTION AGAINST DEFENDANT'S PROPERTY.** Whenever any person fails to pay any forfeiture and costs of prosecution upon the order of any court for violation of any ordinance of the Town, the court may, in lieu of ordering imprisonment of the defendant, or after the defendant has been released from

custody, issue an execution against the property of the defendant for such forfeiture and costs.

## **SECTION 5 - REPEAL OF GENERAL ORDINANCES**

All ordinances previously adopted by the Town Board which are in direct and clear conflict with any provision of this General Code are hereby repealed to the extent of said conflict.

## **SECTION 6 - EFFECT OF REPEALS**

The repeal or amendment of any section or provision of this Code, or of any other ordinance or resolution of the Board, shall not:

- (1) By implication be deemed to revive any ordinance not in force or existing at the time such repeal or amendment takes effect.
- (2) Affect any vested right, privilege, obligation or liability acquired, accrued or incurred under any enactment so repealed or amended, unless the privilege of repealing such obligation or privilege has been reserved by the Town.
- (3) Affect any offense committed, or penalty or forfeiture incurred, previous to the time when any ordinance is repealed or amended; except when any forfeiture or penalty has been mitigated by the provisions of any ordinance, such provisions shall apply to and control any judgment to be pronounced after such ordinance takes effect for any offense committed before that time.
- (4) Affect any prosecution for any offense, or the levy of any penalty or forfeiture pending at the time when any ordinance above is repealed or amended; but the right of action shall continue and the offender shall be subject to the penalty as provided in such ordinance, and such prosecution shall proceed, in all respects, as if such ordinance had not been repealed; except all such proceedings had after the time this Code takes effect shall be conducted according to the provisions of this Code.

## **SECTION 7 - TITLE; EFFECTIVE DATE; CITATION**

These ordinances shall be known as the "General Code of the Town of Auburn, Wisconsin," and shall take effect from and after passage and publication as provided in § 66.035, Wis. Stats..

## **SECTION 8 - KEEPING CODE CURRENT; REVISOR'S AMENDMENTS**

As each ordinance or resolution affecting this General Code becomes effective, the Town Clerk shall forward such ordinance or resolution to the Revisor, who shall incorporate them into the General Code. The Revisor shall make no substantive changes to such ordinances and resolutions, but may renumber, rearrange and edit them without first submitting them to the

Town Board; and such rearranging, renumbering and editing shall not affect the validity of such ordinances and resolutions or the provisions of this General Code affected thereby.

## **SECTION 9- CITATION PROCEDURE**

1. **AUTHORIZATION.** In addition to any other enforcement procedure or method authorized for a violation of the provisions of this Code, the Town Board authorizes the following Town officials and employees to issue ordinance violation citations, pursuant to § 66.119, Wis. Stats., which is incorporated here by reference, and pursuant to the procedure set forth below:

All County Law Enforcement Officers  
Refuse and Recycling Coordinator  
Code Enforcement Officer(s)

2. **FORM OF CITATION**

- (a) The Town shall use a form of citation as is prescribed in § 66.0113(1)(b), Wis. Stats., which is incorporated by reference. This citation form may be used for violations of all Town of Auburn ordinances except violations of the Town Traffic Code, if any.
- (b) The fact that an alleged violator has made the proper cash deposit does not and shall not prohibit a judge from ordering the alleged violator into court when it is deemed to be in the best interest of the Town of Auburn or to protect the basic rights of the alleged violator.

3. **RELATIONSHIP TO OTHER LAWS** The adoption and authorization for use of a citation under this section shall not preclude the Town from adopting any other ordinance or providing for the enforcement of any other law or ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this section.

4. **SCHEDULE OF CASH DEPOSITS**

- (a) The revised Uniform State Traffic Deposit Schedule and Alcohol Beverages, Harassment, Safety, Tobacco, UW Rule, and Drug Paraphernalia Violation Deposit Schedule and the Uniform Misdemeanor Bail Schedule and Trespass to Land Deposit Schedule as revised and amended and including any amendments and/or revisions thereto is hereby adopted and incorporated by reference.

- (b) For violations of all ordinances other than those governed by the afore-described Uniform State Deposit Schedule or as otherwise set forth in this Code, the Cash Deposit Schedule shall be as follows:

**CASH DEPOSIT SCHEDULE**

Ordinance Violation	Forfeiture Amount
Chapter 45 violations	\$500.00
All other ordinances, first offense	\$100.00
Second and subsequent offenses	\$200.00

- (c) In addition to the appropriate cash deposit amount as established above, all citations issued under this ordinance shall further specify and include as part of the deposit, any costs under Wis. Stat. § 814.63 and any penalty surcharge applicable under Wis. Stat. § 814.78.
- (d) Cash deposits shall be made to the appropriate court clerk.

## **CHAPTER 2**

### **ELECTION OFFICIALS**

#### **SECTION 1 – AUTHORITY**

Wisconsin State Statute 7.30(1)(a) authorizes the appointment of election officials.

#### **SECTION 2 – PURPOSE**

To provide for the general welfare of the election workers by creating split shift for election workers who are required to work thirteen hours due to the new mandates of the polls being open from 7:00 a.m. until 8:00 p.m.

#### **SECTION 3 – GENERAL PROVISIONS**

The Town of Auburn establishes an ordinance where according to Wisconsin Statute 5.15(6)(b) a municipal governing body may provide by ordinance for the selection of alternate officials or the selection of 2 or more sets of officials to work at different time on election, and may permit the municipal clerk to establish different working hours for different officials assigned to the same polling place. Alternate officials shall also be appointed in a number sufficient to maintain adequate staffing of polling places. Except for inspectors who are appointed under par. (b) and officials who are appointed without regard to party affiliation under sub. (4)(c), additional officials shall be appointed in such a manner that the total number of officials is an odd number and predominant party under sub. (2) is represented by one more official than the other party.

## **CHAPTER 3**

### **PERMANENT ELIMINATION OF THE DUPLICATE TREASURER'S BOND**

**SECTION 1:** The Town of Auburn elects not to give the bond on the municipal treasurer provided for by Section 70.67 of the statutes.

**SECTION 2:** Pursuant to Section 70.67(2) of the Wisconsin statutes, the Town of Auburn shall be obligated to pay, in case the Treasurer thereof shall fail to do so, all state and county taxes required by law to be paid by such treasurer to the county treasurer.

**SECTION 3:** The Town Clerk shall forthwith file a certified copy of this ordinance with the county treasurer.

**SECTION 4:** This ordinance shall take effect and be in force upon passage and posting.

## **CHAPTER 4**

### **OFFICIAL NEWSPAPER**

**SECTION 1** – The official newspaper shall be The Bloomer Advance.

## **CHAPTER 5**

### **COMPREHENSIVE PLAN COMMISSION**

**SECTION 1** – The Plan Commission shall consist of not more than ten (10) persons nor less than five (5) persons.

**SECTION 2** – At its annual meeting or as soon thereafter as is practicable, the Town Board Chairman shall nominate a slate of candidates. Each such nominee shall be subject to an affirmative vote by the Town Board.

**SECTION 3** – The Comprehensive Plan Commission shall take steps, hold hearings, make recommendations and otherwise act to help the Town of Auburn comply with its obligations under the Wisconsin Smart Growth Law as may be amended from time to time. The Town Board may delegate other matters for investigation and report by the Commission as well.

**SECTION 4** – The Town Board Chairman may call a meeting or the Comprehensive Plan Commission may set and call their own meetings from time to time as the need may arise.

**SECTION 5** – Vacancies shall be filled by appointment for the remainder of an unexpired term in the same manner as appointment for a full term.

## CHAPTER 10

### PUBLIC NUISANCES

#### SECTION 1 - GENERAL PROVISIONS

No person shall cause, allow, continue, maintain, or permit any person to create or permit to exist any public nuisance or public nuisance area within the Town of Auburn. This shall apply also to any premises owned, leased, or controlled by that person in the Town of Auburn.

#### SECTION 2 - DEFINITIONS

In this ordinance:

- A. Public Nuisance. A public nuisance is anything, act, occupation, condition, or use of property that shall continue for such length of time as to:
1. Substantially annoy, injure, or endanger the public comfort, health or safety;
  2. Render the soil, water, air or any article of food or drink impure, noxious, unwholesome, or unhealthy;
  3. Greatly offend the public morals or decency;
  4. Unlawfully and substantially interfere with, obstruct or tend to obstruct or render dangerous for passage, any street, alley, highway, navigable body of water or other public way or the use of public property;
  5. In any way render the public insecure in life or in the use of the property.

#### SECTION 3 - PUBLIC NUISANCES AFFECTING HEALTH

The following are hereby specifically declared to be public health nuisances but such enumeration shall not be construed to exclude other health nuisances coming within the definition of Section 2 of this ordinance:

1. Accumulations of decayed animal or vegetable matter, trash, rubbish, rotting lumber, bedding, packing materials, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed.

2. All abandoned wells not securely covered or secured from public use.
3. A rat harborage area where rats or other vermin can live and breed.
4. A waste accumulation area where waste amounts in excess of two (2) cubic yards of waste are allowed to accumulate without a proper waste management permit.
5. An unburied animal carcass area where a dead animal or dead animals are not buried in a sanitary manner within forty-eight (48) hours of death.
6. A stagnant water area where mosquitoes, flies and other insects are allowed to harborage.
7. A noxious odor area where emissions of any noxious odors, foul odors, offensive odors, nauseous odors, gases or any stench repulsive to the sense of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Auburn beyond normal smells expected in an agricultural area.
8. A surface water pollution area where pollution from the premises entering the surface water has caused a private or public drinking water well on another property or any river, stream, lake, ditch, canal or other body of water to become contaminated.
9. An air pollution area where emission of smoke, soot, fumes, gases, ash, dust or other pollutants into the atmosphere repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Auburn.
10. An unwholesome food area where unwholesome, contaminated, or polluted food or drink is sold or served on the premises to persons in the Town of Auburn.
11. A dangerous building area where the building, structure, place or the electrical, heat or water supply is in a condition and location to cause a menace or danger to the public health of persons in the Town of Auburn.
12. An improper sewage area where the effluent from the sewer, septic tank, holding tank, or cesspool on the premises is in a condition and location to cause a menace or danger to public health of persons in the Town of Auburn.
13. A hazardous waste area where the discharge, disposal, storage or treatment of hazardous, nuclear or toxic waste are allowed to accumulate to the substantial

annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Auburn.

14. A noxious material discharge area where the discharge, disposal, storage or treatment of noxious, filthy, decaying or nauseous materials repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Auburn.

#### **SECTION 4 - PUBLIC NUISANCES AFFECTING PEACE AND SAFETY**

The following acts, omissions, places, conditions, and things are hereby declared to be public nuisances affecting peace and safety, but such enumeration shall not be construed to exclude other nuisances affecting public peace or safety coming within the provisions of Section 2 of this ordinance.

1. All signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated or constructed as to endanger the public safety.
2. All use or display of fireworks except as provided by the laws of the State of Wisconsin and ordinances of the Town of Auburn.
3. Repeated or continuous violations of the ordinances of the Town of Auburn.
4. An abandoned or wrecked motor vehicle area where motor vehicles, tractors, house trailers, railroad cars and other motorized vehicles are allowed to accumulate without a proper junkyard permit issued by the Town of Auburn.
5. A loud noise area where loud, discordant and unnecessary sounds of motor vehicles, animals or music repulsive to the senses of ordinary persons are allowed to continue to the substantial annoyance or substantial discomfort of persons or injury to persons or property in the Town of Auburn.
6. An obstruction area where structures, hedges, trees, weeds, signs, billboards, buildings or equipment are installed or maintained near a public highway, road, street, alley or railroad crossing and due to the condition and location block a clean view of traffic that causes a menace or danger to public safety of persons in the Town of Auburn.
7. Allowing trash, debris, old lumber, furniture, freezers, stoves, refrigerators, junk motor vehicles, or waste to accumulate in unsheltered areas on the premises for more than thirty (30) consecutive days in any calendar year.

8. Allowing unauthorized disposal, storage, treatment or recycling of waste on the premises without the appropriate approvals from the State of Wisconsin, the Town of Auburn, or the County of Chippewa.
9. Allowing domestic animals (dangerous or otherwise) to run at large on the premises wherein they can access property of another to the substantial annoyance or substantial discomfort of persons or are allowed to cause injury to persons or property in the Town of Auburn.
10. Compression Brakes Prohibited.
  - A. Prohibition. It shall be unlawful for any vehicle equipped with compression brakes (Jake brakes) to utilize the vehicle's engine to slow in order to meet proper speed restrictions within the Town.
  - B. Exception. It shall be an affirmative defense to prosecution under this subsection that said compression brakes were necessary for the protection of persons and/or property. Emergency vehicles shall be exempt from this ordinance.

#### **SECTION 5: ACCUMULATION OF JUNK FORBIDDEN**

1. The following is hereby declared to be a public nuisance wherever it may be found within the Town:
  - A. Any junk stored contrary to sub (C) below.
2. Definition: The following words, phrases, and terms used in this section shall be interpreted as follows:
  - A. **Junk**: Worn out or discarded materials of little or no value including but not limited to, household appliances or parts thereof, machinery and equipment or parts thereof, vehicles or parts thereof, tools, discarded building materials, or any other unsightly debris, the accumulation of which has an adverse effect upon the neighborhood or Town property values, health, safety, or general welfare.
  - B. **Storage of Junk Prohibited**: No person, except a junk dealer, licensed by the Town Board, shall accumulate, store, or allow any junk outside of any building on any public or private real estate located within the Town of Auburn corporate limits.

- C. Issuance of Citation/Action to Abate: Whenever the Town Board shall find any such junk as defined in sub (1) above, accumulated, stored, or remaining in the open upon any property within the Town limits contrary to the provisions hereof, the Town Board shall notify the owner of said property on which such junk is located of the violation of this section. If such junk is not removed within ten (10) days, the Town shall cause a citation to be issued to the property owner or occupant of the property upon which such junk is located. In addition, action to abate such nuisance may be commenced, as provided by the above said standards.

## **SECTION 6 - ABATEMENT OF PUBLIC NUISANCES**

- 1. Enforcement. It shall be the duty of the Town Chairman, Town Board, and Town Code Enforcement Officer to enforce the provisions of this ordinance, and they shall make periodic inspections and inspections upon complaint to ensure that such provisions are not violated. No action shall be taken under this section to abate a public nuisance unless the officer(s) shall have inspected or caused to be inspected the premises where the nuisance is alleged to exist and has or have satisfied himself that a nuisance does in fact exist.
- 2. Enforcement-Agricultural Uses and Practices. In actions against agricultural uses and agricultural practices, as defined in Section 823.08 and 91.01(C) Wis. Stats., the Town shall observe the limitations set forth in Section 823.08.
- 3. Summary Abatement
  - A. Notice to Owner: If the inspecting officer shall determine that a public nuisance exists within the Town of Auburn and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Town Chairman may direct the Code Enforcement Officer to serve notice on the person causing, permitting or maintaining such nuisance or upon the owner or occupant of the premises where such nuisance is caused, permitted or maintained and to post a copy of said notice on the premises. Such notice shall direct the person causing, permitting or maintaining such nuisance or the owner or occupant of the premises to abate or remove such nuisance within a reasonable time as determined by the Town Board, and shall state that unless such nuisance is so abated, the Town will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting, or maintain the nuisance, as the case may be.

- B. Abatement by Town: If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the officer having the duty of enforcement shall cause the abatement or removal of such public nuisance.
- C. Abatement by Court Action: If the inspecting officer shall determine that a public nuisance exists on private premises but that the nature of such nuisance is not such as to threaten great and immediate danger to the public health, safety, peace, morals or decency, he shall file a written report of his findings with the Town Chairman who, upon direction of the Town Board, shall cause an action to abate such nuisance to be commenced in the name of the Town in Circuit Court of Chippewa County in accordance with the provisions of Chapter 823, (1993-1994) Wisconsin Statutes. In addition or as an alternative, the Town can proceed with citation procedures and impose forfeitures for violation of this ordinance.
- D. Other Methods Not Excluded: Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Town of Auburn or its officials in accordance with the laws of the State of Wisconsin.

## **SECTION 7 - COST OF ABATEMENT**

In addition to any other penalty imposed by this chapter for the erection, contrivance, creation, continuance or maintenance of a public nuisance, the cost of abating a public nuisance by the Town of Auburn shall be collected as a debt from the owner, occupant or person causing, permitting or maintaining the nuisance, and if notice to abate the nuisance has been given to the owner, such cost shall be assessed against the real estate as a special charge.

## **SECTION 8 - PENALTIES**

Any person who shall violate any provision of this chapter shall be subject to a penalty of not less than Fifty Dollars (\$50.00) nor more than Two Hundred Dollars (\$200.00) per day plus penalty assessment in addition to any specific penalties provided in this Chapter. A separate offense shall be deemed committed on each day on which a violation of this Chapter occurs or continues. This section shall not preclude the Town from maintaining any appropriate action to prevent or remove a violation of this Chapter.

## CHAPTER 11

### DOGS

#### SECTION 1 - STATUTE ADOPTION

- A. The provisions of Chapter 174 Wis. Stats. (2011) are hereby adopted and incorporated herein by reference.
- B. No person shall own, harbor, or keep any dog more than five (5) months of age without complying with the provisions of 174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same and the provisions of the ordinance.

#### SECTION 2 - COMPLIANCE REQUIRED

Any person who owns or harbors a dog in the Town of Auburn shall comply with Chapter 174, Wis. Stats., and with the provisions of this ordinance and in particular, shall license their dog.

#### SECTION 3 - DOG LICENSE REQUIRED.

License fees shall be submitted to the Town Treasurer before January 31 of the current license year. The annual license fee shall be set by the county.

#### SECTION 4: IMPOUNDING DOGS

- A. Dogs to be impounded. Unlicensed dogs running at large in the Town shall be seized and impounded in kennels designated from time to time by the Town Board.
- B. Notice to Owner. As soon as practical after a dog has been impounded, notice shall be given to the owner, if ascertainable, in the manner designated by the Town Board.
- C. Redeeming of Impounded Dogs. The owner of an impounded dog shall pay the kennel to which the dog was delivered a boarding fee for each day or fraction thereof that a dog is impounded. The kennel shall establish the boarding fee based on the actual average daily cost for boarding and caring for the dog.
- D. Disposing of Impounded Dogs. If an impounded dog is not redeemed within seven (7) days, the kennel may dispose of the dog in a proper and humane manner

or may sell or give away the dog to any person under such circumstances as the Town Board shall designate. All receipts from the sale of impounded dogs shall likewise be turned over to the Town Treasurer and accounted for monthly.

## **SECTION 5 - VACCINATION**

- A. Rabies Control. Every owner of a dog five (5) months of age or greater shall have his or her animal inoculated with an anti-rabies vaccine by a licensed veterinarian. A tag denoting that the dog received its vaccination shall be firmly attached to its collar.
- B. Exceptions. No dog shall require the vaccination if a licensed veterinarian has examined the animal and certified that at such time vaccination would endanger its health because of age, infirmity, debility, illness or other medical consideration. Such exempt animal shall be vaccinated as soon as health permits.
- C. Vaccinations. Every owner of a dog shall have his dog revaccinated within one year of the initial vaccination and thereafter within every three (3) years.
- D. Rabid Dog.
- (1) Any person who suspects that any dog in the Town is infected with rabies shall report his or her suspicion to the Chippewa County Sheriff Department, describing the dog and giving the name of the owner, if known. Any person who shall observe that a dog has bitten any person shall give a similar report to the Chippewa County Sheriff's Department.
  - (2) The Chippewa County Sheriff's Department or Code Enforcement Officer shall investigate reports of alleged rabid dogs and if there appears a reasonable possibility that the dog is infected with rabies or has bitten a person, the Sheriff's Department or Code Enforcement Officer shall seize the dog and cause it to be confined at the place designated by the veterinarian appointed by the Town Board for such period as the veterinarian shall deem necessary to determine if the dog is infected with rabies.

## **SECTION 6 - BITES BY DOMESTIC ANIMALS**

- A. Report. Any person bitten or scratched by any animal shall report the fact within twelve (12) hours to a physician and the Chippewa County Sheriff's Department. As used in this section "animal" shall include but not be limited to dogs.

- B. Quarantine. A domestic dog that bites a person shall be captured, confined and observed for ten (10) days by a veterinarian or at an animal shelter at the expense of the owner.

## SECTION 7: RESTRICTIONS ON KEEPING OF DOGS

- A. Not to Run at Large. No person owning or harboring a dog shall permit it to run at large within the Town. A dog shall not be considered at large when on a leash not over six (6) feet in length or when the dog remains solely on the property of the owner.
- B. Vicious Dogs Prohibited. No person shall harbor a vicious dog within the Town of Auburn. A dog is vicious within the meaning of this paragraph with a propensity to attack or bite people as evidenced by at least two (2) incidents of attacks upon or biting of people within a twelve (12) month period reported to the Sheriff's Department or Code Enforcement Officer.
- C. Noisy Dogs Prohibited. No person shall own or harbor a dog that barks or howls so that the peace and quiet of the neighborhood is disturbed.
- D. Abandonment. No person may abandon any animal at any location in the Town.
- E. Injured Animals.
1. Medical Attention. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when such animal becomes injured. If the owner of an injured animal cannot be located, the Town or any animal control agency with which the Town has an agreement, shall have the authority to take custody of such animal for the purpose of providing it with medical treatment and the owner thereof shall be responsible for reimbursement of medical costs.
  2. Accidents. The operator of any vehicle involved in an accident resulting in injury to or death of any domestic animal shall stop such vehicle at the scene of the accident or as close thereto as possible and, if possible, remove the animal to the side of the roadway and notify the Sheriff's Department or Code Enforcement Officer.
- F. Commercial Kennel. Anything to house or contain animals must comply and maintain with a ten (10) feet setback from property line.

## **SECTION 8 - LIABILITY**

The Town and/or its designated agents shall not be liable to any person for the death, destructions, injury or disease caused to any animal that has been impounded pursuant to this section.