

SUBCHAPTER 2: DOG LICENSES AND KENNELS

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15.200 TITLE

This Subchapter shall be known as the “Town of Lyndon Dog Ordinance” or the “Dog Ordinance,” except as referred to herein, which it shall be known as “this Subchapter.”

15.201 AUTHORITY

This Subchapter is adopted pursuant to §60.22 and Chapter 174 Wis. Stats.

15.202 PURPOSE

The Town of Lyndon, in order to promote the public health, safety, general welfare and good order of the Town, and to comply with the requirements of State Law, hereby adopts this subchapter.

15.203 STATE STATUTES ADOPTED

The provisions of Chapter 174 of the Wisconsin Statutes, including any future revisions or amendments thereto, describing and defining the rules and regulations concerning the regulation of dogs, are hereby adopted and, by reference, made part of this Subchapter and fully set forth herein. Any act required to be performed or prohibited by Chapter 174, is required or prohibited by this Subchapter. Any penalty imposed by Chapter 174 is not imposed or adopted by this Subchapter, but instead, the separate penalties prescribed herein shall be imposed, provided however, the penalties prescribed herein shall be limited to and shall not exceed the penalties prescribed by Chapter 174 for the same act. Any future amendments, revisions or modifications of Chapter 174 are intended to be made part of this Subchapter.

15.204 LICENSES

The Licenses required by Chapter 174 shall be issued by the Town.

15.205 LISTING OFFICIAL

The listing official for the Town shall be the Clerk. (See, ' 174.06(2) Wis. Stats.)

15.206 FEES

Pursuant to ' 174.05 Wis. Stats., the Town shall charge a “license tax”, which shall be established by separate resolution of the Town Board and which shall not be less than the minimum fees required by ' 174.05 Wis. Stats.

15.207 NOISY DOGS PROHIBITED

No person shall harbor or keep any dog in the Town which by frequently growling, barking, yelping, or howling shall repeatedly annoy or disturb a person, of ordinary sensibilities, in the neighborhood or passing nearby on a highway.

15.208 RESERVED FOR FUTURE USE

15.209 DOG KENNELS

- (1) **DEFINED:** The term “kennel” means any tax parcel on which more than three (3) dogs all over five (5) months of age, are kept.
- (2) **PERMIT REQUIRED:** No person may own or operate a kennel without obtaining a “kennel permit” and without compliance with the regulations herein.
- (3) **APPLICATION FOR PERMIT:** A written application for a permit shall be filed with the Town Clerk and shall contain the following:
 - (a) The name, address, telephone number and signature of the applicant(s).

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- (b) The name, address, telephone number and signature of all land owner(s) upon whose land the kennel will be located (if different than the applicant).
 - (c) The name, address and telephone number of the intended operator(s) of the kennel (if different than the applicant).
 - (d) The name and address of all property owners who own property within 500 feet of the property upon which the kennel will be located.
 - (e) An aerial photograph of the kennel site, including all land within one thousand (1,000) feet of the site (these photos can be obtained from the Juneau County Land Information Office).
 - (f) A drawing of the kennel structure(s), including a description of all materials to be used (e.g. Fencing material, Flooring, Housing, etc).
 - (g) A statement describing the breed(s) of dog(s) to be raised in the kennel.
 - (h) A statement describing the minimum and maximum number of dogs to be housed in the kennel.
 - (i) An environmental impact statement as described in ' 1.11 Wis. Stats.
 - (j) An agricultural impact statement as described in ' 32.035 Wis. Stats.
 - (k) A statement verifying that the applicant has investigated and made arrangements for the purchase of insurance as required by §15.207(10) below.
 - (l) Any other information which the Town Board deems necessary to review the application.
- (4) **FEE:** An application fee for a kennel permit, in an amount established by separate resolution by the Town Board, shall be paid when the application is filed with the Clerk.
- (5) **PUBLIC HEARING AND NOTICE:** A public hearing on the application shall be conducted by the Town Board, no sooner than thirty (30) days after filing of the application. Notice of the public hearing shall be posted and published by the Clerk as a Class 1 Notice, and notice shall be mailed by the Clerk to all adjacent property owners within 500 feet of the kennel property, at least ten (10) days before the public hearing.
- (6) **STANDARDS OF REVIEW:** The following standards shall be considered and addressed by the Town Board in deciding whether to issue a permit. To approve an application, the Board must find that each of the following criteria has been, or will be, satisfied by the proposed kennel.
- (a) The proposed operation on the proposed site, must comply with the Town's zoning ordinance.
 - (b) The proposed operation, in the proposed location will not cause a substantial or undo adverse impact on the nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property rights-of-way or other matters affecting the public health, safety or general welfare, either as they now exist or as they may exist in the future.
 - (c) The proposed kennel operation will comply with the regulations set forth below.
 - (d) The proposed owner(s) and operator(s) have demonstrated the experience, knowledge, financial ability, and willingness to comply with the regulations set forth below and to operate the kennel as proposed in the application.

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- (e) The potential public benefits of the operation outweigh the potential adverse impacts of the proposed operation, after taking into consideration the applicant's proposal, including the applicant's suggestions to remediate any adverse impacts.
 - (f) The size and scope of the proposed operation is appropriate for the site.
- (7) **DECISION:** Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Board), the Board shall issue a decision either (i) in the form of a written resolution, and/or (ii) in the formal minutes of its meeting. Its decision shall include formal findings of fact concerning the standards of subsection (6). In making its decision, the Board may take any of the following actions:
- (a) **Approve:** The Board may approve the application as proposed; or
 - (b) **Approve with Modifications or Conditions:** The Board may approve the application with such modifications and conditions as it deems necessary and appropriate after consideration of the purposes of this Ordinance, after consideration of the standards of review set forth above, after consideration of the regulations set forth below, and after consideration of the recommendations of citizens, experts, its own members, and any other source; or
 - (c) **Deny:** The Board may deny the application.

The Board's approval, with or without modifications or conditions, shall be considered the approval of a unique request, and shall not be construed as precedent for any other similar application.

- (8) **EFFECT OF DENIAL:** An application which has been denied (in whole or in part) shall not be resubmitted for a period of 12 months from the date of said denial, unless the Clerk first determines that either (i) substantial and material new evidence has arisen, or (ii) a substantial and material change of circumstances has occurred, regarding an issue which was relevant and significant to the prior decision to deny the application.
- (9) **REGULATIONS:** Any person or entity who wishes to apply for a permit or who receives a permit to own or operate a kennel, shall comply with the following regulations:
- (a) No operation shall be conducted in such a way as to constitute a public or private nuisance.
 - (b) No operation shall be conducted within 1,000 feet of any residence in existence when the operation is commenced, except the residence of the owner or operator of the operation.
 - (c) No operation shall be conducted in a location which is visible from any residence in existence when the operation is commenced, except the residence of the owner or operator of the operation. Visibility may be controlled by natural vegetation and/or berms, but not by fencing or other artificial means.
 - (d) No operation shall be conducted within 1,000 feet of any public highway or Town road in existence when the operation is commenced.
 - (e) No operation shall be conducted in a location which is visible from any public highway or Town road. Visibility may be controlled by natural vegetation and/or berms, but not by fencing or other artificial means.
 - (f) No operation shall be placed in a location and conducted in such a manner as to adversely affect the value of surrounding lands.

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- (g) No operation shall be conducted in such a manner as to permit dust, dirt, debris, or other materials, substances, or odors to be carried by wind across the boundary of the parcel of land being used for the operation.
 - (h) The operation shall comply with the Zoning Ordinance of the Town of Lyndon.
 - (i) The operation shall comply with all Federal, State (e.g. 175.25 Wis. Stats), County (Ord. 9), and Town rules and regulations regarding the operation intended and shall obtain and maintain all permits and licenses required by the Federal, State, and County authorities.
 - (j) No operation shall be modified, altered, or expanded beyond the terms and conditions of the permit, without prior approval by the Board.
 - (k) No operation shall be conducted without the insurance required by §15.207(10) below.
 - (l) No operation shall be conducted on land which is not owned and occupied by the applicant.
- (10) **INSURANCE:** The owner and operator of each kennel shall purchase and maintain liability insurance which provides insurance for injuries and damages caused by the dogs which the kennel expects to house. No permit hereunder shall be issued by the clerk unless and until the applicant provides proof of such insurance to the Clerk.
- (11) **CHANGE OF OWNERSHIP:** Permits issued hereunder are not transferable, and shall not run with the land. The sale of the kennel operation and/or the sale of the real estate upon which a kennel is located will automatically constitute the termination of the "kennel permit," and will require the new owner to apply for a new permit.
- (12) **SUSPENSION OR REVOCATION OF PERMITS**
- (a) **Authority:** The Town may suspend or revoke any Permit issued under the regulations of this Subchapter and may stop the operation of any kennel for any of the following reasons:
 1. Whenever the Town finds at any time that applicable ordinances, laws, orders, plans, or specifications are not being complied with, and that the holder of the Permit has refused to conform after written warning has been issued to him.
 2. Whenever there is any violation of any condition or provision of either the application for a Permit or the Permit itself.
 3. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications, or certified lot or plot plan on which the issuance of the Permit or other approval was based.
 4. Whenever there is a violation of any of the conditions of a Permit.
 5. Whenever the operation of the kennel creates a nuisance.
 - (b) **Notice:** The notice suspending or revoking a Permit shall be in writing and shall be served upon the applicant, the owner of the premises (or its agent), or on the person apparently in charge of the kennel. A revocation placard shall also be posted upon the building, structure, equipment, or premises in question. The Notice shall state the reasons for the suspension or revocation.

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- (c) **Effect of Notice:** After the notice is posted and served upon the persons aforesaid, it shall be unlawful for any person to continue operation of the kennel until the reasons for the notice have been corrected and the Town has thereafter inspected and verified that the violations have been corrected. However, after the issuance of the notice, the Town may authorize such kennel operations as it deems necessary for the preservation of life, property, and safety.

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