

ORDINANCE 23-08**Ordinance Amending Section 6-225 of the Butler Municipal Code Regarding Dog Licenses**

WHEREAS, per Wisconsin Statute 174.07(1)(a), a dog license is necessary for the keeping of any dog over 5 months of age and;

WHEREAS, per Wisconsin Statute 174.065(1) and 174.07(1)(b), the State has designated the collecting official and issuing office for dog licenses and fees to be the Village Treasurer or other collecting officer or a person deputized by the treasurer or tax collecting official, unless the village board provides by ordinance or resolution for the appointment of a different person and;

WHEREAS, the current language of Section 6-225 of the Butler Municipal Code states that the Elm Brook Humane Society is the collecting official for the issuance of dog licenses in the Village and the fees collected by them shall be turned over to the village and;

WHEREAS, the Village no longer utilizes Elm Brook Humane Society for any animal related service or fee collection and;

WHEREAS, the Village Administrator, Village Deputy Clerk, and Village Assistant Administrator collectively issue and collect dog license fees currently;

NOW THEREFORE, the Village Board of the Village of Butler, Waukesha County do hereby ordain as follows:

SECTION I: Section 6-225 of the Village of Butler Code of Ordinances is hereby amended to read as follows:

Sec. 6-225. – Dog Licenses

It is unlawful for any person in the village to own, harbor or keep any dog for more than five months of age after July 1 of the license year without complying with the provisions of this article and Wis. Stats. §§ 174.05 through 174.09 relating to the listing, licensing and tagging of the same.

- (1) When licensing required. The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay a license tax and obtain a license.
- (2) Exception for services dogs for the blind, deaf and mobility-impaired. Every dog specifically trained to lead blind or deaf persons or assist 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 village treasurer upon application therefor.
- (3) License tax. The annual dog license tax shall be as provided in the village fee schedule.
- (4) Issuance and delivery of license and tag. Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, the village treasurer shall complete and issue to the owner a license for the dog containing all information required by state law. The village 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.

- (5) Tag to be attached to collar; exceptions. 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 6-187(e).
- (6) Dog without tag presumed to be unlicensed; impoundment. 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 the tag attached.
- (7) Designated collection official. Pursuant to Wis. Stats. § 174.065(1), the village board has appointed ~~the Elm Brook Humane Society~~ Village Administration as collecting officials for the issuance of dog licenses in the village. ~~The fees collected will be turned over to the village.~~

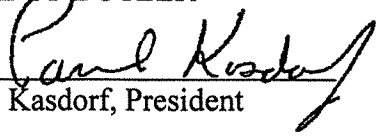
SECTION II: Severability: In the event that any provision of this Ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by any court of competent jurisdiction, such portions of this Ordinance shall be deemed separate, distinct and independent provisions of the Ordinance and all remaining portions of this Ordinance shall remain in full force and effect.

SECTION III: The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision and shall not affect the validity of any other provisions, sections or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION IV: This Ordinance shall take effect and be in force after its passage and posting/publication as required by law.

PASSED and ADOPTED by the Village Board of the Village of Butler, Waukesha County, Wisconsin, this the 19th day of December, 2023.

VILLAGE OF BUTLER

By: 
Paul Kasdorf, President

ATTEST:


Benjamin Hubrich, Village Administrator/Clerk