

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND §12.06(3) AND TO CREATE §12.06(6)  
OF THE GENERAL CODE OF ORDINANCES OF THE TOWN OF  
MERTON RELATING TO DOGS AND OTHER ANIMALS

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The Town Board of Supervisors of the Town of Merton, Waukesha County, Wisconsin, do ordain as follows:

SECTION 1. Section 12.06(3) of the General Code of Ordinances is hereby repealed and re-created to read as follows:

12.06 DOGS AND OTHER ANIMALS.

(3) DOGS AND CATS RUNNING AT LARGE.

(a) Running at Large Prohibited. No person in control of any dog or cat shall permit the same to run at large. All dogs and cats off the premises of the owner or custodian must either be on a leash or accompanied by its owner or custodian in proper control of it, or such dog or cat shall be deemed "running at large."

(b) Restraint of Dogs. Any person owning or having charge, custody, care or control of any dog shall keep such animal exclusively upon his or her own premises, which shall include his/her automobile, either by personal and direct supervision such as voice command of such person physically present, or by keeping such animal upon an appropriate chain or tie no less than six feet in length, or in an enclosed yard, either walled or fenced, or in any other appropriate restraining enclosure. Dogs may be kept off such premises if they are restrained by an appropriate leash or chain not exceeding six feet in length, in the hands of a person directly controlling the movement of such animal, provided the person is of sufficient strength to control the animal.

SECTION 2. Section 12.06(6) of the General Code of Ordinances is hereby created to read as follows:

12.06 DOGS AND OTHER ANIMALS.

(6) DISPOSAL OF DOG FECES. Any person owning or having control of a dog on any property, public or private, which is not owned or occupied by such person shall promptly remove excrement left by such dog and place it in a proper receptacle, bury it, or otherwise dispose of the same on property owned or occupied by such person.

SECTION 3. SEVERABILITY. This ordinance and its various parts, sections, subsections, sentences, phrases and clauses are declared to be independent and severable. Notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any part, section, subsection, sentence, phrase or clause, or the application thereof to any person or circumstance, is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining sections or provisions and the application of such sections and provisions to any person or circumstances other than those to which it is held invalid, shall not be affected thereby, and it is hereby declared that such sections and provisions would have been passed independently of such section or provision so held to be invalid.

SECTION 4. EFFECTIVE DATE. This ordinance shall become effective upon passage and posting or publication as required by law.

DATED: \_\_\_\_\_

TOWN OF MERTON

By: \_\_\_\_\_  
Tim Klink, Chairman

ATTEST:

\_\_\_\_\_  
Donna Hann, Clerk

Date Adopted: \_\_\_\_\_

Date Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_