

No. 172, S.]

[Published August 16, 1961.

## CHAPTER 381

AN ACT to amend 174.05, 174.06, 174.07 (1), (3) and (4); and to create 174.10 (3b) of the statutes, relating to the licensing of dogs.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 174.05 of the statutes is amended to read:

174.05 Every owner of a dog more than \* \* \* 5 months of age on January 1 of any year, *or 5 months of age within the license year* (the word "owner" when used in ch. 174 in relation to property in, or possession of, dogs includes every person who owns, harbors or keeps a dog) shall annually, *or within 30 days from date such dog becomes 5 months of age,* at the time and in the manner provided by law for the payment of personal property taxes, pay his dog license tax and obtain a license therefor. Such dog license tax shall not be less than \$1 for each male dog, and spayed female dog, and \$2 for each female dog \* \* \*, *or one-half of these amounts if the dog became 5 months of age after July 1 of the license year.* The governing body of any county may by a majority vote of the members present at any regular meeting raise any or all such minimum dog license taxes and \* \* \* the governing body of any town, village or city may by resolution increase the amount of such license tax on dogs within its jurisdiction. Such additional tax shall not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received pursuant to s. 174.09 (2), and shall be levied and collected in the same manner as other dog license taxes. The license year shall commence on January 1 and end on the following December 31.

SECTION 2. 174.06 of the statutes is amended to read:

174.06 Dog license taxes shall be collected in the same manner as in s. 74.11 for the collecting of personal property taxes. Every assessor shall annually ascertain by diligent inquiry the dogs owned, harbored or kept within his assessment district. The assessor shall receive as compensation therefor 15 cents for each dog listed by him, to be audited and allowed by the county board as other claims against the county and to be paid out of the dog license fund. Every person shall answer frankly and fully all questions which \* \* \* are put to him by such assessor relative to the ownership or keeping of dogs within the assessor's district. The assessor shall enter in his blotter or other record for personal property assessments all dogs in his district subject to tax, to whom they are assessed, the name,

number, sex, spayed or unspayed, breed and color of each such dog. The assessor shall make in triplicate a list of the owners of all dogs assessed as shown on the assessment record and shall deliver said copies to the town, village or city clerk at the time of delivery of the assessment roll. He shall make in triplicate a list of the names of persons owning and operating kennels and the number of dogs kept in each. The term "kennel" means any establishment wherein or whereon dogs are kept for the purpose of breeding, sale, or sporting purposes. Any person who keeps or operates a kennel may in lieu of the license tax for each dog required by this chapter apply to the town, city or village treasurer for a kennel license for the keeping or operating of such kennel. For such kennel he shall pay a license tax of \$20 for the license year. With such kennel license the treasurer shall issue a number of \* \* \* tags equal to the number of dogs authorized to be kept in the kennel. Such tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee of a kennel shall at all times keep one of such tags attached to the collar of each dog over \* \* \* 5 months old kept by him under a kennel license. Such tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. No dog bearing any tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless he is in leash or temporarily for the purposes of hunting, breeding, trial or show. The department of agriculture shall furnish county clerks with suitable kennel tags and blank licenses for distribution to the several town, village and city treasurers. Unless clearly inapplicable, all the provisions of this chapter relating to the individual dog license tax, licenses and tags shall apply to the kennel license and tags. The town, village or city clerk shall deliver one copy of such list to the county clerk, one copy to the town, village or city treasurer, and retain one copy for his files.

SECTION 3. 174.07 (1), (3) and (4) of the statutes are amended to read:

174.07 (1) Upon payment of the required dog license tax on any dog the collecting officer shall execute and issue to the taxpayer a license for such dog which shall be in the form prescribed by the state department of agriculture and shall state the date of its expiration, shall bear a serial number, the owner's name and address, and the name, sex, spayed and unspayed, breed and color of the dog licensed, and a duplicate copy of the license shall be kept on file. *In counties having a population of 500,000 or more, the collecting officer shall send forthwith to the county clerk or whatever agency the county board may direct, a triplicate copy of the license.* At the same time he shall deliver to the licensee a \* \* \* tag of durable material which shall bear the same serial number as the license, the name of the county in which issued and the license year. \* \* \* The department shall contract for and have prepared and furnished annually to the county clerk of each county a sufficient number of such \* \* \* tags. The cost of making and furnishing such tags and the cost of printing all forms shall be paid by the several counties out of the dog license fund. *The collecting officer shall assess and collect an additional fee of \$1 from every owner of a dog 5 months of age, where such owner has failed and neglected to obtain a license prior to March 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or where such owner has failed and neglected to obtain a license within 30 days after the dog has reached licensable age; and all moneys so received or collected by any collecting officer shall be paid to the local treasurer as revenue of the town, village or city in which the license was issued.*

(3) Every town, village or city treasurer or other tax collecting officer or person deputized by him shall at the time of issuing a license and before delivering the same make a complete duplicate thereof upon the

stub portion of the license blank. Said officer shall annually, at the time provided by law for returning to the county treasurer delinquent personal property taxes, return to his county clerk all unused tags of the preceding license year, together with license books therefor and all duplicate licenses of the preceding year and the said county clerk shall carefully check said returned tags, duplicate licenses, and license blanks to ascertain whether all tags and license blanks which were furnished by the county clerk have been accounted for, and to enable the county clerk to do that he shall charge each town, village or city treasurer or other tax collecting officer with all tags and blank licenses furnished or delivered to him and credit him with those returned. In case of discrepancy, the county clerk shall notify the state department of agriculture thereof. The local treasurer shall retain 10 cents for each license issued by him as reimbursement for his service and shall not be required to pay this sum into the treasury as provided by s. 62.09 (9) (d). *The state department of agriculture shall provide triplicate copy licenses for each town, village or city treasurer or other tax collecting officer located in counties having a population of 500,000 or more.*

(4) In cities of the first, second and third class, and in villages located in counties having a population of 500,000 or more and having a police department, the duties imposed by ss. 174.05 to 174.12 upon local assessors shall, and in other cities and villages by action of the governing body may, be performed by the police force under the direction of the chief of police. In every such city and village, a license shall be necessary for the keeping of any dog over \* \* \* 5 months of age *as of January 1 of each year and within 30 days from the date any dog becomes 5 months of age*, and in every such city or village the chief of police and the police force shall on \* \* \* *March 1* of each year and from time to time thereafter check the dogs therein and cause to be disposed of as provided by law all unlicensed dogs which are required to be licensed; and all moneys received or collected by any policeman in the enforcement of said law shall be \* \* \* *paid by him* to the city or village treasurer and *credited* by the treasurer \* \* \* to the police pension fund, if there is \* \* \* a police pension fund.

SECTION 4. 174.10 (3b) of the statutes is created to read:

174.10 (3b) In counties having a population of 500,000 or more, in which a county pound is provided for all stray and unwanted dogs, the county board may require that the owner of any impounded, licensed dog found not wearing a tag properly attached to the collar, shall forfeit \$1 to the keeper of the county pound, and the owner of any licensed or unlicensed dog impounded under ch. 174 shall pay a boarding fee of \$1 to the keeper of the county pound for each 24-hour period or fraction thereof that such dog is impounded; and all moneys received and collected by the keeper of the county pound under this subsection, shall be paid to the county treasurer and credited to the fund provided for in s. 174.09 by the county treasurer.

Approved August 7, 1961.