

VILLAGE OF BIRNAMWOOD

ORDINANCE #19-1-1

AN ORDINANCE REVISING LICENSING AND OTHER REGULATIONS OF ANIMALS.

All other ordinances regulating animals are repealed and recreated as follows.

Sec. 18-31. - Penalties.

- (a) Any person violating section 18-48, 18-49, 18-50, 18-51, 18-52, 18-53 or 18-54 shall be subject to a forfeiture of not less than \$50.00 and not more than \$200.00. This section shall also permit the village attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this article.
- (b) Anyone who violates sections 18-33, 18-34, 18-35, 18-36 and 18-37 or Wis. Stats. ch. 174 shall be subject to a forfeiture of not less than \$25.00 and not more than \$200.00 for the first offense and not less than \$100.00 and not more than \$400.00 for any subsequent offenses.
- (c) An owner who refuses to comply with an order issued under section 18-37 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than \$100.00 nor more than \$1,000.00.
- (d) Any person who violates sections 18-38 through 18-47 shall be subject to a forfeiture of not less than \$25.00 and not more than \$100.00 for the first violation and not less than \$50.00 and not more than \$200.00 for subsequent violations.
- (e) Each day that a violation of this article continues shall be deemed a separate violation. Any animal found to be the subject of a violation of this article shall be subject to immediate seizure, impoundment and removal from the village by village officials if the owner or keeper of the animal fails to remove the animal from the village. In addition to the penalties in this section, any person who violates this article shall pay all expenses, including shelter, food, handling and veterinary care, necessitated by the enforcement of this article.

Sec. 18-32. - Definitions.

In this article, unless the context or subject matter otherwise requires:

Animal means mammals, reptiles and birds.

At large means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner or in an automobile of any other person with the consent of the owner of such dog or cat shall be deemed to be upon the owner's premises.

Cat means any feline, regardless of age or sex.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

Dog means any canine, regardless of age or sex.

Farm animal means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

Law enforcement officer has that meaning as appears in Wis. Stats. § 967.02(5) and includes a humane officer under Wis. Stats. § 113.03, but does not include a conservation warden appointed under Wis. Stats. § 23.10.

Neutered, describing a dog or cat, means a dog or cat having nonfunctional reproductive organs.

Owner means any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this section.

Pet means an animal kept and treated as a pet.

Residential lot means a parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this article, any vacant parcel adjoining a dwelling and under the same ownership shall constitute one lot.

Restrain includes notifying the dog's or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.

Untagged means not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

Sec. 18-33. - License required.

It shall be unlawful for any person in the village to own, harbor or keep any dog more than five months of age after July 1 of the license year without complying with the sections of this article relating to the listing, licensing and tagging of the dog, provided that licensee fee prorating prescribed by law shall apply to license fees after July 1.

Sec. 18-34. - Rabies vaccination required for dog license.

- (a) *Generally.* The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the village after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is brought into the village, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).
- (b) *Issuance of certificate of rabies vaccination.* A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the village and stating the following:
 - (1) The owner's name and address.
 - (2) The name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog.
 - (3) The date of the vaccination.
 - (4) The type of rabies vaccination administered and the manufacturer's serial number.
 - (5) The date the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services.
- (c) *Copies of certificate.* The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (d) *Rabies vaccination tag.* After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the following:
 - (1) The same serial number as the certificate;
 - (2) The year the vaccination was given; and
 - (3) The name, address and telephone number of the veterinarian.
- (e) *Attachment of tag.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and a collar with the tag attached shall be kept on the dog at all times. However, this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and shall contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under subsection (a) of this section.
- (f) *Duplicate tag.* The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

Sec. 18-35. - Issuance of dog and kennel licenses.

- (a) *Dog licenses.* Dog licenses shall be issued in accordance with the following:
 - (1) It shall be unlawful for any person in the village to own, harbor or keep any dog more than five months of age without complying with the provisions of Wis. Stats. §§ 174.05—174.69 relating to the listing, licensing and tagging of dogs.

- (2) 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 as prescribed in section 1-22 and obtain a license.
 - (3) License fees for cats and dogs shall be as follows: Neutered male or spayed female \$5.00. Unneutered male or unsprayed female \$10.00. The license year commences on January 1 and ends on the following December 31.
 - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by section 18-34, the clerk-treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The clerk-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 village in which issued and the license year.
 - (5) 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 18-34(e).
 - (6) 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 such tag attached.
 - (7) Notwithstanding subsections (a)(1) through (6) of this section, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the clerk-treasurer upon application therefor.
 - (8) Cat licenses will follow the same regulations and fees as dogs.
- (b) *Kennel licenses.* Kennel licenses shall be issued in accordance with the following:
- (1) The term "kennel" means any establishment wherein or whereon more than three dogs are kept.
 - (2) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this article, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax as prescribed in section 1-22. Upon payment of the required kennel license tax and, if required by the common council, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the clerk-treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in residential areas following a public hearing and approval by the common council; the common council may attach conditions to such approval as a conditional use under article II of chapter 14 pertaining to zoning.
 - (3) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined to a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is on a leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
 - (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in such kennel or who neglects or abandons such dogs. Any designated official shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his/her own initiative. Expressly incorporated by reference in this section as minimum standards for kennel keepers or operator are the relevant provisions of statutes.
 - (5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate village officials without any warrant, and the application for a license under this subsection (b) shall be deemed a consent to this condition. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued under this subsection (b) and shall be deemed a violation of this section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to ordinance.

Sec. 18-36. - Dog license late fee.

The clerk-treasurer shall assess and collect a late fee of \$5.00 from every owner of a dog five months of age or over if the owner fails to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog or if the owner fails to obtain a license on or before the dog reaches licensable age. Such late fee shall be charged in addition to the required license fee.

Sec. 18-37. - Rabies quarantine.

- (a) *Dogs and cats confined.* If a district is quarantined for rabies, all dogs and cats within the village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The clerk-treasurer shall promptly post in at least three public places in the village notices of quarantine.
- (b) *Exemption of vaccinated dog or cat from village quarantine.* A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the village quarantine pursuant to subsection (a) of this section if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) *Quarantine or sacrifice of animal.* Procedures for the quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies are as follows:
 - (1) *Quarantine or sacrifice of dog or cat.* An officer or animal warden shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) *Sacrifice of other animals.* An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (d) *Quarantine of dog or cat.* Procedures for the quarantine of dogs or cats are as follows:
 - (1) *Delivery to isolation facility or quarantine on premises of owner.* An officer or animal warden who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible, but no later than 24 hours after the original order is issued, or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) *Health risk to humans.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. In this subsection, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
 - (3) *Risk to animal health.*
 - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. Then the owner shall have the animal examined by a veterinarian and vaccinated against rabies.
 - b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
 - (4) *Destruction of dog or cat exhibiting symptoms of rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined, and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) *Delivery of carcass; preparation; examination by laboratory of hygiene.* An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the state laboratory of hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The laboratory of hygiene shall examine the specimen and determine if the animal was infected with rabies. The state laboratory of hygiene shall notify the local health department, which will in turn notify the appropriate parties.
- (f) *Cooperation of veterinarian.* Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the village, the laboratory of hygiene, the

local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

- (g) *Responsibility for quarantine and laboratory expenses.* The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

Sec. 18-38. - Restrictions on keeping.

- (a) *Nuisance or dangerous animals.* It shall be unlawful for any person within the village to own, harbor or keep any dog, cat or other animal or fowl or reptile which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the village.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the village limits.
 - (4) Repeatedly breaks from a leash or an enclosure and trespasses or defecates upon property other than that on which the animal is kept.
 - (5) Habitually barks, howls or makes other noise audible beyond the property upon which the animal is kept during any hour of the day or night.
 - (6) Kills, wounds or worries any domestic animal.
 - (7) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (8) If a dog, is unlicensed.
 - (9) Otherwise disturbs the peace and quiet of the village.
- (b) *Vicious dogs and animals.* The keeping of vicious dogs and animals shall be in accordance with the following:
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purposes of enforcing this subsection (b), a dog is deemed as being of a vicious disposition if, within any 12-month period, it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises.
 - (2) No person shall harbor or permit to remain on his/her premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (c) *Animals running at large.* Restrictions on animals running at large are as follows:
- (1) No person having in his/her possession or ownership any animal or fowl shall allow the animal or fowl to run at large within the village. The owner of any animal, whether licensed or unlicensed, shall keep his/her animal tied or enclosed in a proper enclosure as not to allow such animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by law or ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal warden.
 - (2) A dog or cat shall not be considered to be running at large if it is on a leash not to exceed ten feet in length and under control of a person physically able to control it when the animal is off the owner's premises. However, no person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the village or in such a manner that the animal has access to any portion of a street, alley, sidewalk or other public place.
- (d) *Wild or vicious animals kept for display or exhibition purposes.* No person shall keep or permit to be kept on his/her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This subsection does not apply to a zoo, theatrical exhibit or circus.
- (e) *Barking dogs or crying cats.* It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood who are of ordinary sensibilities. Such dogs and cats are declared to be a public nuisance. A dog or cat is considered to be in violation of this subsection when complaints are filed with the police department pursuant to subsection (f) of this section.
- (f) *Enforcement.* Enforcement of this section shall be as follows:
- (1) Upon any complaint to the police department, warnings may be issued to the owner of a dog or other animal engaging in the conduct in this section that such animal may be in violation of this section.

- (2) A warning or citation may be issued to the owner of a dog or other animal engaging in such conduct, subject to forfeiture as provided in section 18-31 or when such behavior is observed by a law enforcement officer.
- (g) *Killing of certain dogs.* Any dog, while off the premises of its owner, who attacks any person may be killed by a law enforcement officer if:
- (1) It continues to attack people.
 - (2) It cannot be safely captured.
 - (3) The owner consents to have the dog killed.
 - (4) The owner cannot be contacted after reasonable effort by the police department and the animal presents a continuing threat to public safety.
 - (5) The officer reasonably believes that, unless the dog is immediately captured or killed, it will attack again.
 - (6) The officer reasonably believes the dog has rabies. When killing a dog suspected of having rabies, care shall be taken to avoid damage to the dog's head.
 - (7) All dogs having to be killed shall be killed in a humane manner.
- (h) *Owner's liability for damage caused by dogs; penalties.* The provisions of Wis. Stats. § 174.02 relating to the owner's liability for damage caused by dogs, together with the penalties therein set forth, are adopted and incorporated in this section by reference.

Sec. 18-39. - Impoundment.

- (a) *Animal control agency.* The establishment of an animal control agency and the authority of the animal control agency are as follows:
- (1) The village may contract with or enter into an agreement with a person to provide for the operation of an animal shelter, for the impoundment of stray animals, for the confinement of certain animals, for the disposition of impounded animals and for assisting in the administration of rabies vaccination programs.
 - (2) The village delegates to any such animal control agency the authority to act pursuant to this section.
- (b) *Impounding of animals.* In addition to any forfeiture penalty provided for a violation of this article, a law enforcement or animal control officer may impound any dog, cat or other animal which:
- (1) Habitually pursues any vehicle upon any street, alley or highway of this village;
 - (2) Assaults or attacks any person;
 - (3) Is at large within the village;
 - (4) Habitually barks, cries or howls;
 - (5) Kills, wounds or worries any domestic animal; or
 - (6) Is infected with rabies.
- (c) *Claiming animal; disposal of unclaimed animals.* Procedures for claiming and impounded animal and the disposal of unclaimed animals are as follows:
- (1) *Seizure.* A law enforcement officer or any animal control officer appointed by the common council may attempt to capture and restrain dogs or other animals running at large or in other violation of this article and shall confine and capture or restrain animals in a suitable dog pound or other enclosure. After seizure of animals under this section by a law enforcement or animal control officer, the animal shall be impounded.
 - (2) *Retention and disposition of unclaimed animals.* All dogs or other animals apprehended shall be kept for no more than three days at the dog pound or other enclosure. If such animal is not claimed by the rightful owner, representative or keeper, within such time, such animal shall be transmitted to the county Humane Society to be handled in accordance with statute and the policies of that facility.
 - (3) *Notification.* A person who captures or restrains a dog or other animal shall notify or deliver the dog or other animal to the county pound or Humane Society or to any officer within 12 hours of capture or restraint. Any police officer or city official to whom a dog or other animal is delivered shall attempt to notify the owner as soon as possible if the owner is known or can be ascertained with reasonable effort.
 - (4) *Claiming animals.* The owner or representative or keeper of any dog or other animal so confined may reclaim such animal from the county Humane Society if:
 - a. The owner, representative or keeper gives his/her name and address.

- b. The owner, representative or keeper presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies or a receipt from a licensed veterinarian of a rabies inoculation.
 - c. The owner, representative or keeper pays the cost of apprehension, boarding fees, necessary medical treatment and impounding fees, if any.
- (5) *Payment of costs.* Payment of costs and charges shall be made to the county Humane Society. Upon identification of the owner of a dog or other animal so apprehended or confined, all Humane Society costs and charges shall be billed to such owner.
- (d) *Liability for impounding animals.* The village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

Sec. 18-40. - Duty of owner if animal bites.

- (a) If any animal, for which the owner holds a current rabies certificate, is involved in a bite or a scratch incident, the owner shall isolate and confine the animal, under the supervision of a licensed veterinarian, for at least ten days from the date of the incident. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the tenth day and on one intervening day. If the animal is confined at the residence of the owner, it must not be allowed to come in contact with other animals or people. It cannot be left unattended outside.
- (b) The animal can be taken outside of the residence only to relieve itself, under restraint and under the supervision of an adult.
- (c) Any animal involved in a bite or scratch incident that has not been vaccinated or has not been revaccinated within the prescribed time must be confined at a veterinary hospital, under the supervision of a veterinarian, for ten days.
- (d) Under no circumstances can the owner sell, give away, or destroy the animal until it has been released by a licensed veterinarian after the ten-day confinement (quarantine) period.

Sec. 18-41. - Dangerous animals.

- (a) *Keeping of certain animals prohibited.* It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the village:
 - (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal, including but not limited to nonhuman primates, raccoons, skunks, foxes and wild and exotic cats.
 - (2) Any animal having poisonous bites.

Sec. 18-42. - Feces.

- (a) *Removal of fecal matter.* The owner or person in charge of any dog, cat, horse or other animal shall not permit solid fecal matter of such animal to be deposited on any street, alley or other public or private property, unless such matter is immediately removed therefrom by such owner or person in charge. This subsection shall not apply to a person who is visually or physically handicapped.
- (b) *Accumulation of fecal matter prohibited on private yards.* The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his/her own property by regularly and properly disposing of the fecal matter. No person shall fail to maintain in a clean and sanitary condition and free from objectionable odor all structures, pens, yards and areas adjacent thereto wherein any dog or animal is kept.

Sec. 18-43. - Injury to property.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and dig, break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

Sec. 18-44. - Presence in parks and cemeteries.

- (a) No dog, cat or other animal shall be allowed in any village park
- (b) Animals are prohibited at any time in cemeteries.

Sec. 18-45. - Prohibited and protected animals, fowl, reptiles and insects; farm animals.

- (a) Protected animals. The possession, sale and importation of certain protected animals shall be in accordance with the following:
- (1) *Possession and sale of protected animals.* It shall be unlawful for any person to possess with intent to sell or offer for sale or to buy or attempt to buy within the village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family Felidae, polar bear (*Thalarctos maritimus*), red wolf (*Canis niger*), vicuna (*Vicugna vicugna*), gray or timber wolf (*Canis lupus*), sea otter (*Enhydra lutris*), Pacific ridley turtle (*Lepidochelys olivacea*), Atlantic green turtle (*Chelonia mydas*), Mexican ridley turtle (*Lepidochelys kempii*).
 - (2) *Compliance with federal regulations.* It shall be unlawful for any person to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile or the dead body or parts thereof which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (PL 135, 91st Congress).
 - (3) *Importation of certain birds.* No person shall import or cause to be imported into this village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (b) *Exceptions.* Subsection (a) of this section shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, by any institute of higher learning, by persons holding federal permits or by a person holding a scientific collector's permit issued by the secretary of the department of natural resources of the state or to any person or organization licensed to present a circus.
- (c) *Prohibition on keeping wild animals.* It shall be unlawful for any person to keep, maintain or have in his/her possession or under his/her control within the city any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile; any vicious or dangerous domesticated animal; or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his/her possession or under his/her control within the village any of the following animals, reptiles or insects:
- (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Apes: chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
 - (3) Baboons (*Papio*, *Mandrillus*).
 - (4) Bears (*Ursidae*).
 - (5) Bison (*Bison*).
 - (6) Cheetahs (*Acinonyx jubatus*).
 - (7) Crocodilians (*Crocodylia*), 30 inches in length or more.
 - (8) Constrictor snakes.
 - (9) Coyotes (*Canis latrans*).
 - (10) Deer (*Cervidae*); includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose.
 - (11) Elephants (*Elephas* and *Loxodonta*).
 - (12) Game cocks and other fighting birds.
 - (13) Hippopotamuses (*Hippopotamidae*).
 - (14) Hyenas (*Hyaenidae*).
 - (15) Jaguars (*Panthera onca*).
 - (16) Leopards (*Panthera pardus*).
 - (17) Lions (*Panthera leo*).
 - (18) Lynxes (*Lynx*).
 - (19) Monkeys, old world (*Cercopithecidae*).
 - (20) Ostriches (*Struthio*).
 - (21) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
 - (22) Rhinoceroses (*Rhinocero tidae*).

- (23) Sharks (class Chondrichthyes).
 - (24) Snow leopards (*Panthera uncia*).
 - (25) Tigers (*Panthera tigris*).
 - (26) Wolves (*Canis lupus*).
 - (27) Poisonous insects.
- (d) *Exceptions.* The prohibitions of subsection (c) of this section shall not apply where the creatures are in the care, custody or control of a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; or a licensed game farm, if:
- (1) Their location conforms to the provisions of the zoning ordinances of the village.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and maintained to eliminate objectionable odors.
 - (3) Animals are maintained in quarters constructed to prevent their escape.
 - (4) No person lives or resides within 100 feet of the quarters in which the animals are kept.
- (e) *Farm animals; miniature pigs.* Except as provided on properties zoned to an agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, more than two fowl or more than two rabbits.

Sec. 18-46. – No Sale of rabbits, chicks or artificially colored animals is allowed.

State Law reference— Similar provisions, Wis. Stats. § 951.10.

Sec. 18-47. - Provision of proper food and drink to confined animals.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law reference— Similar provisions, Wis. Stats. § 951.13.

Sec. 18-48. - Provision of proper shelter.

- (a) *Required.* No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. For farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) *Indoor standards.* Minimum indoor standards of shelter shall include the following:
 - (1) *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.
 - (2) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) *Outdoor standards.* Minimum outdoor standards of shelter shall include the following:
 - (1) *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this subsection (c)(1), the term "caged" does not include farm fencing used to confine farm animals.
 - (2) *Shelter from inclement weather.* Shelter from inclement weather shall be provided as follows:
 - a. *Animals generally.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - b. *Dogs.* If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

- (d) *Space standards.* Minimum space requirements for both indoor and outdoor enclosures shall include the following:
 - (1) *Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) *Space requirements.* Enclosures shall be constructed and maintained to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) *Sanitation standards.* Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash to minimize health hazards.

State Law reference— Similar provisions, Wis. Stats. § 951.14.

Sec. 18-49. - Neglect or abandonment.

- (a) *Generally.* Procedures for the care of neglected or abandoned animals are as follows:
 - (1) No person may abandon any animal.
 - (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified, and such officer or other person having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
 - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
 - (4) Whenever, in the opinion of any such officer, an animal is so hopelessly injured or diseased as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal, and the owner thereof shall not recover damages for the killing of such animal unless he/she shall prove that such killing was unwarranted.
- (b) *Injured animals.* No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. If the owner of such animal cannot be located, the city or any animal control agency with whom the city has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law reference— Abandoned animals generally, Wis. Stats. § 951.15.

Sec. 18-50. - Cruelty.

- (a) *Acts of cruelty prohibited.* No person, except a law enforcement or animal control officer in the pursuit of his/her duties, shall, within the village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nest or bird's eggs.
- (b) *Leading animal from motor vehicle.* No person shall lead any animal upon a city street from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle.
- (c) *Use of poisonous and controlled substances.* No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Wis. Stats. § 961.14, whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor to the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) *Use of certain devices prohibited.* No person may directly or indirectly or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices:
 - (1) A bristle bur, tack bur or like device; or
 - (2) A poling device used to train a horse to jump which is charged with electricity or to which has been affixed nails, tacks or other sharp points.

- (e) *Shooting at caged or staked animals.* No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a humanmade enclosure, regardless of size.

Sec. 18-51. - Limitation on number of dogs and cats.

- (a) *Purpose.* The keeping of a large number of dogs and cats within the village for a considerable period of time detracts from and, in many instances, is detrimental to healthful and comfortable life in such areas. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.
- (b) *Number limited.* The maximum number of dogs and cats permitted is as follows:
- (1) No person or family shall own, harbor or keep in his/her or its possession more than three dogs in any residential unit without the prior issuance of a kennel license by the common council, except that a litter of puppies or a portion of a litter may be kept for not more than ten weeks from birth.
 - (2) Subsection (b)(1) of this section may be waived with the approval of the common council when a kennel license has been issued by the village. Such application for a waiver shall first be made to the clerk-treasurer.
 - (3) No person or family shall own, harbor or keep in his/her or its possession more than three cats in any residential unit, except that a litter of kittens or a portion of a litter may be kept for not more than ten weeks from birth.

Sec. 18-52. - Trapping of animals.

- (a) In the interest of public health and safety, it shall be unlawful for any person in or on village-owned land, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps are those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This section shall prohibit the use of all traps, other than live traps as described in subsection (a) of this section, including but not limited to traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Wis. Stats. ch. 29 as it relates to trapping.
- (d) This section shall not apply to trapping on private property.
- (e) Nothing in this section shall prohibit or hinder the village or its employees or agents from performing their official duties.

Sec. 18-53. - Keeping of bees.

- (a) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or to keep any bees in or upon any premises within the corporate limits of the village unless the bees are kept in accordance with the following:
- (1) No hive, stand or box where bees are kept shall be located closer than 200 feet to any dwelling. Such hives, stands or boxes may only be located in the rear yard.
 - (2) Fresh, clean watering facilities for bees shall be provided on the such premises.
 - (3) The bees and equipment shall be kept in accordance with law.
 - (4) A conditional use permit shall first be obtained pertaining to zoning.
- (b) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.

Sec. 18-54. - Vietnamese potbellied pigs.

- (a) It is unlawful for any person to keep or maintain within the village a Vietnamese potbellied pig.

This ordinance shall take effect and be in full force from and after its passage and publication as provided by law.

Dated this 14th day of January, 2019

Passed: 1/14/19