

(3) ORDINANCE/LICENSE

(A) Persons subject to this ordinance shall comply with Section 134.65, (1993-1994) Wisconsin Statutes, and this ordinance.

(B) The Village Clerk shall provide copies of this ordinance at no cost to any applicant requesting copies under this ordinance.

(C) The applicant and any other person subject to this ordinance shall comply as follows:

(1) No person shall be issued or reissued a cigarette retail sales license in the Village until the appropriate fee has been paid to the Village Clerk.

(2) No person shall be issued or reissued a cigarette retail sales license in the Village who has failed to properly and fully complete and submit to the Village Clerk the application form as developed and provided by the Village of New Auburn.

(3) No person shall be issued or reissued a cigarette retail sales license in the Village until the person owns or has leased a premises in the Village of New Auburn.

(4) No person shall cause, allow or permit any person to sell or provide in the Village of New Auburn cigarettes or tobacco products to a person under the age of eighteen (18) years. This provision shall be subject to any defenses for persons established under Section 134.66, (1993-1994) Wisconsin Statutes. No person shall cause, allow or permit any cigarette vending machines in the Village of New Auburn within five hundred (500) feet of a school. "School", for the purpose of this section, has the meaning given in Section 118.257(1)(c), (1993-1994) Wisconsin Statutes.

10.03 DOG AND ANIMAL LICENSE ORDINANCE

(1) **COVERAGE**. Every person, pursuant to Chapter 174, (1993-1994) Wisconsin Statutes, and this ordinance, residing in the Village of New Auburn who owns a dog that on January 1 is at least five (5) months old, shall annually at the time and in the manner prescribed by State law seek and obtain a dog license for his or her dog from the Village of New Auburn. The fee for the license is established by State law and the governing body of the Village of New Auburn may by resolution raise the minimum dog license fee on dogs within its jurisdiction. The fee is as noted in Appendix E. The license shall be from January 1 through December 31.

(A) If the dog became 5 months of age after July 1 of the license year, one-half of the license fees will be charged.

(B) Late Fees. The collecting official shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or over, if the owner failed 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 failed to obtain a license on or before the dog reached licensable age.

(2) **DOG LICENSE REQUIRED; CATS AND OTHER ANIMALS**

(A) **Limited Number of Dogs and Cats.** It shall be unlawful to own, harbor, or keep more than three (3) dogs and three (3) cats on any parcel or on any contiguous parcels of land in the Village of New Auburn, except agriculturally zoned lands. In determining the limitations on the numbers of dogs and cats, those owned, harbored, or kept on or before the effective date of this ordinance will be grandfathered in. Any owner having more than three dogs or three cats on or before the effective date of this ordinance shall comply with this ordinance as the excess dog(s) or cat(s) die, are given away, or sold. This section shall not apply to animal shelters, animal control facilities, dog breeders, or others licensed under Wi. Statutes 173.41. (*Ordinance amendment dated August 11, 2011 and May 10, 2012.*)

(B) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:

(1) **Owner.** 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 (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.

(2) **At Large.** To be off the premises of the owner and not under the control of some person either by leash, but a dog or cat within an automobile of its owners, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.

(3) **Dog.** Any canine, regardless of age or sex.

(4) **Cat.** Any feline, regardless of age or sex.

(5) **Neutered.** As used herein describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.

(6) **Animal.** Mammals, reptiles and birds.

(7) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

(8) **Law enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.

(9) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

(10) **Pet.** Any animal kept and treated as a pet.

State Law Reference: Sections 174.042 through 174.15 Wis. Stats.

(3) **RABIES VACCINATION REQUIRED FOR LICENSE**

(A) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of New Auburn after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (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 of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21(2) Wis. Stats.

(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 stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that 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 and the Village.

(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 same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(E) **Tag to be Attached.** 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, but this requirement does not apply to a dog during competition or to a dog securely confined indoors. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (A).

(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 of 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.

(4) **ISSUANCE OF DOG AND MULTIPLE DOG LICENSES.**

(A) **Dog licenses.**

(1) It shall be unlawful for any person in the Village of New Auburn to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through Section 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

(2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.

(3) The license fee is set by state law which is adopted herein by reference. The governing body may by resolution raise the minimum license fee within its jurisdiction.

(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 10.03(3) of this Chapter, the Village Clerk/Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village 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 name of the county 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 issued at all times, except as provided in Section 10.03(3)(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 Village Marshal, Deputy Marshal 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 the foregoing, 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 Village Clerk/Treasurer upon application therefor.

(B) **Multiple dog licenses.** Village Ordinance Section 10.03(2)(A) limits the number of dogs to three in the Village. To be issued a multiple dog license the individual would need to operate an animal shelter, an animal control facility, or be a dog breeder, and be licensed under WI Statutes 173.41.

(1) The license fee is set by state law which is adopted herein by reference. The governing body of the Village of New Auburn may by resolution raise the minimum fee within its jurisdiction.

(2) The owner or keeper of dogs for which a multiple dog license has been issued shall keep at all times a multiple dog license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a multiple dog license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors or to a dog securely confined in a fenced area. An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog if the other dog is currently immunized against rabies. 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 dog during competition or training, to a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. No dog bearing a multiple dog license tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's or keeper's premises unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

State Law Reference: Section 174.053, Wis. Stats.

Cross Reference: 10.03(20)

(5) The Village Clerk/Treasurer is designated as the collecting official under Section 174.065 Wis. Stats. The Village Clerk/Treasurer shall follow the procedures for issuing dog licenses set forth in Section 174.07 and License Fee payments provisions of Section 174.08 Wis. Stats.

(6) **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 Village Clerk/Treasurer shall promptly post in at least three (3) 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 provisions of Subsection (A) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

(C) Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.

(1) **Quarantine or sacrifice of dog or cat.** An officer 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 quarantine cannot be imposed because the dog or cat cannot be captured, the officer may destroy the animal. The officer shall attempt to destroy 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 destroyed or may destroy 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.

(1) **Delivery to isolation facility or quarantine on premises of owner.** An officer 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 twenty-four (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. In the event of non-compliance, the Village shall collect the animal, the owner to pay the cost thereof.

(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 (10) days after the incident occurred. In this paragraph, "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 (1) 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 one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.

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 sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(4) **Sacrifice of a dog or cat exhibiting symptoms or 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 destroy 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 destroys an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department 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 Village, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

(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.

(7) **RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL AND OTHER ANIMALS.**

(A) **Restrictions.** It shall be unlawful for any person with the Village of New Auburn to own, harbor or keep any dog or cat which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
- (2) Assaults or attacks any person as described in Subsection (B) or destroys property.
- (3) Is at large within the limits of the Village.
- (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 10.03(12).
- (5) Kills, wounds or worries any domestic animal.
- (6) 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.
- (7) In the case of a dog, is unlicensed.

(B) Vicious and Dangerous Dogs

(1) Definition of Terms. As used in this ordinance:

(a) **Owner** means any person, firm, corporation, organization or department possessing or harboring or having the care or custody, whether temporarily or permanently of a dog.

(b) **Vicious Dog** means:

1. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
2. Any dog which, when unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property; or
3. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
4. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

(c) **Dangerous Dog** as used in this ordinance means any dog which, because of aggressive nature, training or characteristic behavior, is

capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance.

(2) **Vicious Dogs.** No person shall harbor, keep, or maintain within the Village limits of the Village of New Auburn any vicious dog. Any dog alleged to be vicious by virtue of an attack upon human being or domestic animal shall be impounded as directed by the Village of New Auburn Constable/Police Department until disposition of the charge issued by citation. Moreover, the owner of any dog found to be vicious in the trial of a charge of harboring a vicious dog, or by plea to such a charge, shall be prohibited from returning that dog to the Village of New Auburn.

(3) **Dangerous Dog.** Any person having knowledge which he or she believes constitutes probable cause to believe that another is harboring, keeping or maintaining a dangerous dog shall file with the Village of New Auburn Police department a sworn affidavit setting forth the basis on which they believe the animal to be a dangerous dog, the name and address of the owner of the dog, and a description of the dog. The Village Marshall shall, upon receipt of such affidavit, inquire and investigate if the dog is currently a dangerous dog pursuant to this ordinance and notify the owner or keeper thereof.

(4) **Confinement.** The owner of a dangerous dog shall not suffer or permit the dog to go unconfined. A dangerous dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children, and designed to prevent the animal from escaping upon the premises of the owner of the dog. The pen or structure must have a minimum dimension of five feet by ten feet and must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(5) **Leash and Muzzle.** The owner of a dangerous dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(6) **Dog Fighting.** No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(7) **Insurance.** Owners of dangerous dogs must within 30 days of the effective date of this ordinance provide to the Village Clerk/Treasurer proof of liability insurance in the amount of at least fifty thousand dollars (\$50,000.00) for any acts of property damage, personal injury or other liability incurred by virtue of any injury or damage inflicted by such dangerous dog. Such insurance shall name the Village of New Auburn as co-insured solely for the purpose of notice of cancellation of such insurance policy.

(8) **Apprehension and Impoundment.**

(a) It shall be the duty of the Village of New Auburn Village Police Department and such other persons, as from time to time may be designated by resolution of the Village Board, to apprehend any dangerous dogs running at large. Any dangerous dog found running at large shall be impounded and returned to its owner. A police officer may shoot a dog if the dog attacks the officer or approaches the officer in a menacing fashion so that the officer believes that the dog is about to attack him/her.

(b) In any event, when a dog is impounded, the impounding authority shall give notice to the owners of the impoundment and advise the owners whether and under what circumstances the dog may be redeemed. The owner of any animal impounded, confined, or destroyed pursuant to the terms of this ordinance shall be responsible for all costs of such confinement, impoundment or destruction.

(9) **Penalties.** Whoever violates any provision of this ordinance may be punished by a forfeiture fine of not less than \$50.00 and not more than \$500.00. Every day that a violation of this ordinance continues, it shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this ordinance.

(10) The provisions of this ordinance regarding dangerous and vicious dogs shall not apply to animals owned by law enforcement agencies and used for law enforcement purposes.

(11) **Severability.** If any section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court, such decision shall not affect the validity of the remaining portions of this ordinance.

(C) **Animals Running at Large.**

(1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper

enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or authorized officer.

(2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(D) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

(8) **IMPOUNDMENT OF ANIMALS.**

(A) **Animal Control Agency.**

(1) The Village of New Auburn may contract with or enter into an agreement with such person, persons, organization, or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.

(2) The Village of New Auburn does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.

(B) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any officer or Humane Officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.

(C) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three

(3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. Dogs that are apprehended and confined shall be kept by the Village of New Auburn for at least seven (7) days at the pound and/or a contracted animal control agency, unless released sooner if claimed by the owner.

If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Village Board. In the alternative, animal control or humane agencies serving the Village may provide notice pursuant to their operating procedures and state law. No animal shall be released from the pound without being properly licensed if so required by state law or Village Ordinance.

(D) **Sale of Impounded Animals.** After the time period noted herein, the dog will be either sold for inoculation, apprehension, confinement and care costs, or it will be destroyed in a careful proper and humane manner. The owner, if he or she claims the dog, shall pay the above-noted costs incurred by the Village to the Village Clerk/Treasurer.

(E) **Village Not Liable for Impounding Animals.** The Village and/or its animal control agency shall not be liable for the death or injury of any animal which has been impounded or disposed of pursuant to this Section.

(9) **DOGS AND CATS RESTRICTED ON CEMETERIES.** No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this Section.

(10) **DUTY OF OWNER IN CASE OF DOG OR CAT BITE.** Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the officer and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as the officer shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

(11) **INJURY TO PROPERTY BY ANIMALS.** 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 break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon.

(12) **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 or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog, animal or cat is considered to be in violation of this Section when two (2) complaints are filed with the officer within a four (4) week period.

(13) PROVIDING 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.

Section 948.13, Wis. Stats.

(14) PROVIDING PROPER SHELTER

(A) Proper Shelter. 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. In the case of 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:

(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:

(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 paragraph, "caged" does not include farm fencing used to confine farm animals.

(2) Shelter from inclement weather.

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:

(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 so as 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 standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Section 948.14, Wis. Stats.

(15) NEGLECTED OR ABANDONED ANIMALS.

(A) Neglected or Abandoned Animals.

(1) No person may abandon any animal.

(2) Any authorized 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 (5) 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 hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to destroy such animal and the owner thereof shall not

recover damages for the destroying of such animal unless he shall, by clear and convincing evidence, prove that such destruction was unwarranted.

(5) Section 948-16, Investigation of Cruelty Complaints, and Section 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

(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. In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village 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: Sections 948.15, 948.16 and 948.17, Wis. Stats.

(16) **CRUELTY TO ANIMALS AND BIRDS PROHIBITED.**

(A) **Acts of Cruelty Prohibited.** No person except an authorized officer or health or humane officer in the pursuit of his duties shall, within the Village, shoot or destroy or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

(B) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street, alley or parking lot from a motor vehicle or from a trailer or semi-trailer 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 Sec. 161.14, Wis. Stats., 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 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 exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have 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, destroying or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

(17) **DOGNAPPING AND CATNAPPING.** No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of the Village or held for any purpose without the owner's consent. This Section does not apply to authorized officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted herein.

(18) **VEHICLE ACCIDENTS.** The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the owner, and, if not, the authorized officer.

(19) **REMOVAL OF ANIMAL DEFECATION FROM PUBLIC AND PRIVATE PROPERTIES.** An owner or keeper of any animal shall not allow the animal to defecate on any public or private property, within the Village, other than the premises of the owner of the animal unless such defecation is immediately removed and disposed of properly. The forgoing provisions of this paragraph shall not apply to any person being assisted by a seeing-eye dog.

(20) PENALTIES

(A) Any person violating Sections 10.03(13), 10.03(14), 10.03(15), 10.03(16), 10.03(17), 10.03(18) shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00), together with costs. This Section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.

(B)

(1) Anyone who violates Section 10.03(2), 10.03(3), 10.03(4), 10.03(5), 10.03(6) of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses, together with costs.

(2) An owner who refuses to comply with an order issued under Section 10.03(6) 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 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both, together with costs.

(C)

(1) Any person who violates Section 10.03(7)(A); 10.03(7)(C) through 10.03(12); and 10.03(19) of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations, together with costs.

(2) Whoever violates Section 10.03(7)(B) shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Five Hundred Dollars (\$500.00). Every day that a violation continues, it shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses including shelter, food, handling, veterinary care, and expert testimony fees necessitated by enforcement of this ordinance.