

**VILLAGE OF NEW AUBURN**  
**Barron & Chippewa Counties, Wisconsin**

**Ordinance 2022-06**

**An Ordinance Repealing and Recreating Section 10.03 of the New Auburn Code of Ordinances**

The Village Board of the Village of New Auburn, Barron and Chippewa Counties, Wisconsin, do ordain as follows:

Section One: Chapter 10, Section 10.03 of the Village of New Auburn code of ordinances is hereby repealed and recreated in its entirety as follows:

**10.03 DOGS AND OTHER DOMESTIC ANIMALS**

- (1) **Scope.** The scope of this section shall include all domestic animals in the Village of New Auburn unless otherwise specifically addressed elsewhere in village code of ordinances, State of Wisconsin or Federal law. The purpose is to promote the public health, safety and general welfare of the citizens of and visitors to the Village of New Auburn, to ensure the humane and harmonious keeping of domestic animals, and ethical treatment of non-domestic animals.
- (2) **State law adopted.** The provisions of Wisconsin Statutes Chapter 174 “Dogs” and Chapter 951 “Crimes Against Animals” are adopted and made part of this chapter by reference.
- (3) **Dog license required.**
  - a. Every person residing in the Village who owns a dog which is more than five (5) months old on January 1st of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor. Dogs becoming five months of age during the year shall be licensed within thirty (30) days thereof.
- (4) **Fees.**
  - (A) Each owner of a dog shall pay to the Village Clerk-Treasurer a fee that will be set from time to time by resolution of the Village Board, for each neutered male dog or spayed female dog upon presentation of evidence that the dog has been neutered or spayed, and each unneutered male dog or unspayed female dog. Owners of dogs becoming five months of age or entering the Village after July 1st shall pay one half the applicable license fee.
  - (B) Each owner of a dog five months old or over shall pay to the Village Clerk-Treasurer a late fee if a license is not obtained:
    - (1) Prior to April 1st of each year;
    - (2) Within thirty (30) days of acquiring ownership of a licensable dog;
    - (3) On or before the dog reaches licensable age.
  - (C) Delinquent dog license fees shall be collected in the manner specified in Section 74.11, Wis. Stats., for collecting of personal property taxes. The Village Clerk-Treasurer or any law enforcement officer of the state may issue a citation and bring an action in court for failure to license as required by this section.
- (5) **Issuance of license.** Upon receipt of the required fee and exhibition of the certificate of vaccination required by this section, the Village Clerk-Treasurer shall issue to such person a license

to keep such dog for one year. Such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him or her by the Village Clerk-Treasurer.

(6) **Lost license tag.** If a license tag issued for a dog shall be lost, the owner may obtain a new tag upon the payment of current replacement fee.

(7) **Kennel license required.**

- a. No more than three (3) dogs subject to be licensed as set forth hereinbefore shall be kept on any premises within the Village without obtaining a kennel license from the Village Board as required under the terms of the Village ordinances, including any applicable zoning regulations, and as set forth in this Section. The fee for such license shall be determined by separate resolution of the Village Board.
- b. As used in this Section 10.03(7), the following definitions are used:
  - i. "Commercial Kennel Licenses". An establishment, structure or premise where dogs are raised and sold, bred, boarded, trained, or groomed for other than private purposes. The raising and selling of three (3) or more litters of dogs from any number of adult dogs per year shall constitute a commercial kennel.
  - ii. Hobby Kennel Licenses". A non-commercial establishment, structure, premises or pursuit accessory to the principal use of the property where more than three (3) dogs of six (6) or more months of age are kept for such private purposes as pets, field trails, shows or hobby. The occasional raising of not more than two (2) litters of dogs per year on a premises and the sale or disposal of said dogs within six (6) months of their birth shall also be considered a hobby kennel
- c. No person, group of people, firm or corporation shall be granted a kennel license from the Village Board or keep more than three (3) dogs which are six (6) months old or older without first obtaining approval for such keeping by the Village Board.
- d. The Village Board, in reviewing the application or request for permission to keep more than three (3) dogs which are six (6) months old or older, shall take into account at least the following information.
  - i. Size of premises on which the kennel or confinement area is proposed to be located.
  - ii. Maximum total number of dogs to be kept on the premises at any time.
  - iii. The expected male/female mix of dogs at any time.
  - iv. The type of kennel enclosure, if any, including:
    1. Size of enclosure(s).
    2. Fencing type and height.
    3. Type and size of year-round shelters
    4. Source and location of water supply.
    5. Sanitary maintenance, including provision for collection and disposal of excrement and other waste solution or material.
    6. Lighting.
    7. Landscaping and other visual and noise barriers (screening).
    8. Surface drainage.
  - v. Expected weekly traffic related to the keeping of dogs.
  - vi. Hours of operation.
  - vii. Any other information related to the keeping of the dogs as requested by the Village Board.
- e. In addition to the requirements or provisions of Chapter 174 of the Wisconsin Statutes, persons keeping dogs in the Village and successfully obtaining a permit for such keeping,

shall be required to keep the dogs in a healthful and sanitary condition and minimum requirements of the Village for such keeping shall be as follows:

- i. An enclosed, insulated shelter shall be constructed and made accessible to every dog on the premises with the shelter having no less than 8 square feet in floor area for each dog required to have a license. Such shelter shall be kept clean and free of vermin and shall be ventilated so that in times of hot weather the building can be fully ventilated to allow for through movement of air and limited ventilation can be maintained during the winter months. In addition, such enclosure shall be provided with transparent or translucent windows or skylights so that there is outside light entering the shelter during the day.
- ii. Fence runs or enclosures for the dogs shall be provided at the direction of the owner/operator of the kennel. When so provided, the runs shall be closed so that the dogs cannot run at-large and shall be visually screened from the general public and from the direction of the neighboring residences. Such screening may include a permanent wood or fabric screening in combination with the fence material or may be composed of evergreen planting, adjacent to the fence enclosure. The fenced enclosure shall be kept clean and in a sanitary condition, free of excrement, and when provided, shall be large enough to accommodate the number of dogs licensed for the premises without crowding.
- iii. Any dog waste shall be removed each day from the kennel area and shelter and shall be stored on the premises in a sealed container which is located a minimum of 50 feet from any residence and/or water supply until such time as it can be properly disposed of in accordance with health and sanitation regulations.
- iv. A site plan for the kennel and building shall be required including:
  - 1. Location to scale of all of the existing and proposed buildings on the premises.
  - 2. Location to scale of any fenced-in enclosures
  - 3. Dimensions showing the distance of existing and proposed buildings from existing property boundaries.
  - 4. Location of the underground containers or facilities, including any water wells within the vicinity of the kennel on the premises.
- f. The number of dogs allowed to be kept or kenneled in the City shall be related to the size (area) of the premises on which the dogs are kept; and requests for permission to keep or kennel dogs shall be approved by the Plan Commission based upon the following size restrictions:

NUMBER OF DOGS*	MINIMUM TOTAL ACRES OF PREMISES
4—5	4.0
6— 15	0.5 acre/dog + 1.5 additional acres
16 or more	0.4 acre/dog +3.0 additional acres

\*Maximum total dogs six (6) months old or older at any time.

In addition, any outdoor visually open dog “run” or enclosure shall be located not closer than ten (10) feet from the nearest private property boundary for each dog allowed to be kept on the premises (i.e. five dogs = 50 feet; 12 dogs = 120 feet). Any totally enclosed shelter shall be located not closer than eight (8) feet from the nearest private property boundary for each dog allowed to be kept on the premises (i.e. 5 dogs = 40 feet or 12 dogs 96 feet).

(8) **Running at large.**

- (A) No dogs, cats or other domestic animal shall, negligently or otherwise, be permitted to run at large within Village limits. A dog, cat or other domestic animal shall be considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
- (B) All dogs shall be kept on a leash at all times when off the premises of their owner.
- (C) No dog shall be permitted in a public cemetery except when confined within a vehicle. Pets shall be permitted in a playground, schoolyard or other public area, unless so posted by the authority in charge.

(9) **Care of dogs and domesticated animals.**

- (A) **Cruelty.** No person may confine nor treat any animal, whether belonging to such person or another person, in a cruel manner or in a manner which causes or is likely to cause pain, suffering, or death. This section does not prohibit actions considered normal and accepted veterinary practices conducted by a licensed veterinary professional.
- (B) **Use of poisonous or controlled substances.** No person may expose any animal to known poisonous substance listed in Wis. Stat. § 961.14, whether mixed with food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. Incidental application of controlled or poisonous substance, such as but not limited to application of the substance on ones property, thus harming animals is also prohibited. This section shall not apply to poison used on one's own premises for the specific and targeted purpose of rodent or pest extermination applied according to the product label, nor to the use of controlled substance in normal and accepted veterinary practices conducted by a licensed veterinary professional.
- (C) **Feed, shelter, treatment.** Consistent with Wis. Stat. § 951.14, each owner, firm or person in charge of an animal shall provide his or her animals with sufficient good and wholesome food and water, proper shelter, and protection from the weather, including but not limited to extreme heat or cold, veterinary care when needed to prevent suffering, and shall provide humane care and treatment.
- (D) **Sanitary conditions.** All structures, pens, buildings, or yards wherein animals permitted by this ordinance are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin, and objectionable odors.
- (E) **Instigating Fights Between Animals.** No person may instigate, promote, aid, or abet as a principal, agent, employee, or spectator, or participate in the earning from, intentionally maintain, or allow any place to be used for any fight between animals, between animal and person, or animal and any other device. No person may own, possess, keep, or train any animal with the intent that the animal be engaged in an exhibition of fighting.
- (F) No person or firm shall intentionally abandon any animal.
- (G) No person may take the animal belonging to another person or firm from one place to another without the owner's consent or cause such an animal to be confined or transported for any purpose without the owner's consent. This section does not apply to law enforcement officers engaged in the exercise of their official duties.

(10) **Barking.** No person, upon repeated complaints thereof, shall keep or harbor within the Village any dog or domestic animal which, by loud, frequent or habitual barking, yelping, or howling, shall cause serious and persistent annoyance to the neighborhood.

(11) **Mad or vicious – Destruction.**

- (A) Any unwanted or stray dog or cat, wild animal, or rabies vaccinated dog or cat who in the opinion of the physician requires immediate diagnosis that bites a human shall be euthanized

immediately and the head submitted to a qualified laboratory for fluorescent examination for rabies. If the brain is negative, the saliva can be assumed to contain no rabies and the human need not be treated.

- (B) Any licensed dog, which shall be known to be, or there is good reason to believe, is mad, rabid, vicious, or dangerous to the public, shall be impounded and disposed of according to law. Any licensed dog which has bitten any person and which shows evidence of rabies inoculation shall not be impounded, but shall be confined at such place as designated by the county health department for a period of ten (10) days under the observation of a licensed veterinarian, unless, in the opinion of the health department, the animal exhibits symptoms of illness, in which case the dog shall be impounded under the observation of a licensed veterinarian. In either case, such veterinarian shall, at the end of such period, or when he or she has made his or her determination, report his or her findings to the health department. Any licensed dog which has bitten any person and does not display evidence of rabies inoculation shall be immediately impounded and placed under the observation of a licensed veterinarian for ten (10) days. After such period of time, such veterinarian shall report in writing thereon to the health department. Under this chapter, display of a license tag, as required by this chapter, shall be deemed to be suitable evidence of rabies inoculation in determining whether or not impoundment is required. In all cases hereunder, if any dog is found to be diseased, it shall be destroyed and no person shall interfere with the Village authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or person having custody of such dog.
  - (C) This chapter shall apply in all cases where persons are bitten and any person other than a licensed veterinarian is prohibited from destroying such dog without complying herewith.
  - (D) If the owner of any dog shall deny that his or her dog is mad, vicious, or dangerous to the public, or shall deny that his or her dog has bitten any person, the police officer may summon the dog owner into court. If the court decides that the dog is vicious or dangerous to the public or has bitten any person, the dog may be confined as provided in this chapter and the costs of the investigation shall be taxed against the owner.
  - (E) No person shall keep or harbor any dog or other domesticated animal, whether licensed or not, which is known to be or when there is good reason to believe the same to be mad, rabid, vicious, or dangerous to the public.
  - (F) No dog or other domesticated animal, without provocation, shall injure or cause injury to a person, domestic animal, or property.
- (12) **Animal excreta.** The owner of an animal shall promptly remove and dispose of in a sanitary manner any excreta deposited by such animal upon any public or private property.
- (13) **Confinement of certain dogs and other animals.**
- (A) The owner shall confine, within a building or secure enclosure, every fierce, dangerous or vicious dog and not take such dog from confinement unless securely muzzled.
  - (B) Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that the animal cannot come in contact with another animal except for controlled breeding purposes.
  - (C) No wild or exotic animal shall be kept within Village limits except under such conditions as shall be fixed by the Village Board.
  - (D) Any dog, cat or other animal impounded for being a public nuisance shall not be redeemed unless such redemption is authorized by the Village Board.
  - (E) When, in the judgment of the Village Board or its authorized agent, an animal should be destroyed for humane reasons, such animal shall not be redeemed.

(14) **Harboring certain animals prohibited.** No person shall own, harbor, or keep any dog or other domesticated animal which:

- (A) Habitually pursues any vehicle upon any public street, alley or highway;
- (B) Assaults or attacks any person;
- (C) Habitually barks or howls to the annoyance of any two or more persons;
- (D) Is required to be licensed but is not.

(15) **Certificate of inoculation required.**

- (A) **Dogs.** No license shall be issued hereunder for any dog unless the applicant exhibits a current certificate of a qualified veterinarian showing that the dog has been inoculated for rabies and distemper.
- (B) **Cats.** All cats shall be vaccinated for rabies at least every twelve (12) months and any owner who cannot show proof of such vaccination shall be in violation of this chapter and subject to a penalty as provided in Section 16 of this Ordinance.

(16) **Supply of food and drink to confined animals.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in the following:

(A) **Indoor standards.** Minimum indoor standards of shelter shall include:

- i. Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
- ii. Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide fresh air and prevent moisture condensation necessary to provide for the health of the animals at all times.
- iii. Heat and light. Natural or artificial lighting and heat shall be supplied to provide for the health of the animal at all times.

(B) **Outdoor standards.** Minimum outdoor standards of shelter shall include:

- i. Shelter From Sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside and specifically during the months of June to September, inclusive, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.
- ii. Shelter From Inclement Weather.
  - A. Generally. Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
  - B. Doghouses. Every person in charge or control of any dog which is kept outdoors or in an unheated enclosure shall provide such dog, as a minimum, with shelter and bedding as prescribed in the following:
    - 1. Such shelter shall include a moisture-proof and wind-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material, with a solid floor raised at least two inches from the ground and with the entrance facing away from the prevailing winds during the appropriate season. Such structure shall be provided with a sufficient quantity of suitable bedding material, consisting of hay, straw, cedar shavings, blankets or the equivalent to provide insulation and protection against cold and dampness and promote retention of body heat.
    - 2. If doghouses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they

cannot become entangled with the chains of other dogs or any other objects which will prevent the animals from entering the shelter.

- (C) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
- i. Structural Strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury.
  - ii. 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.
- (D) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include cleaning to remove excreta and other waste materials, dirt and trash as often as necessary to prevent contamination of the animals and to reduce disease hazards and odors.

- (17) **Penalties.** Except as otherwise provided, any person who violates any of the provisions of this section shall, upon conviction of such violation, be subject to a penalty, which shall be as follows:
- (A) **First Offense.** Any person who violates any provision of this section shall, upon conviction thereof, forfeit not less than five dollars (\$5) nor more than five hundred dollars (\$500), together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding thirty (30) days.
  - (B) **Second and Subsequent Offenses.** Any person found guilty of violating any provision of this section who has previously been convicted of a violation of the same provision within three years of the date of a subsequent citation shall, upon conviction thereof, forfeit not less than ten dollars (\$10) nor more than one thousand dollars (\$1000) for each such offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until such forfeiture and costs are paid, but not exceeding ninety (90) days.
  - (C) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this section shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this section.

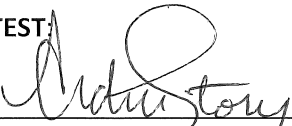
Section Two: This Ordinance shall take effect upon its adoption and publication as required by law.

Adopted this 14<sup>th</sup> day of April, 2022.



Brad Lotts, Village President

ATTEST:



Ardith Story, Clerk-Treasurer