

Chapter 6

ANIMALS*

- Sec. 6-1. Definitions; compliance.
- Sec. 6-2. Rabies vaccination required.
- Sec. 6-3. Dog, cat and kennel licenses.
- Sec. 6-4. Late fees.
- Sec. 6-5. Rabies quarantine.
- Sec. 6-6. Keeping animals; running at large.
- Sec. 6-7. Impoundment.
- Sec. 6-8. Dogs and cats prohibited in cemeteries; exemption.
- Sec. 6-9. Duty of owner or keeper in case of dog or cat bite.
- Sec. 6-10. Depositing of fecal matter on public or private property prohibited; exemption.
- Sec. 6-11. Injury to property.
- Sec. 6-12. Barking dogs and crying cats declared a public nuisance.
- Sec. 6-13. Prohibited and protected animals, fowl, reptiles and insects.
- Sec. 6-14. Sale, etc., of rabbits, chicks, ducklings, fowl and artificially colored animals.
- Sec. 6-15. Provision of proper food and drink to confined or impounded animals.
- Sec. 6-16. Provision of proper shelter.
- Sec. 6-17. Neglect or abandonment.
- Sec. 6-18. Cruelty to animals and birds.
- Sec. 6-19. Trapping.
- Sec. 6-20. Dognapping and catnapping.
- Sec. 6-21. Vehicle accidents.
- Sec. 6-22. Limitation on number of dogs.
- Sec. 6-23. Beekeeping.
- Sec. 6-24. Horses.
- Sec. 6-25. Violations; penalties.

*Cross references: Health and sanitation, ch. 18; animals and fowl in food handling establishments, § 18-3.

Sec. 6-1. Definitions; compliance.

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means mammals, reptiles or 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 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 its age or sex.

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

Dog means any canine, regardless of its 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 the meaning as appears in Wis. Stats. § 967.02(5), and includes a humane officer under Wis. Stats. § 95.21, but does not include a conservation warden appointed under Wis. Stats. § 23.10.

Neutered 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, and such person is presumed to be harboring or keeping the dog or cat within the meaning of this article.

Pet means an animal kept and treated as a pet.

(b) *Compliance required.* It shall be unlawful for any person with the village to own, harbor or keep any dog more than five months of age after July 1 of the licensing year without complying with the provisions of this article relating to the listing, licensing and tagging of such dog.

(Code 1988, § 7-1-1)

Cross Reference – Definitions generally, § 1-2.

Sec. 6-2 Rabies vaccination required.

(a) *Schedule.* The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within 30 after the dog or cat reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the village after the dog or cat has reached four months of age, the owner shall have the dog or cat vaccinated against rabies within 30 days after the dog or cat is brought into the village unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date the immunization

is expires as stated on the certificate of rabies vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of rabies vaccination shall meet the requirements of Wis. Stats. § 95.21(2).

(b) *Completion and issuance of certificate.* A veterinarian who vaccinates a dog or cat against rabies shall complete and issue a certificate of rabies vaccination to the owner, bearing a serial number and in the form approved by the village, stating the owner's name and address; the name, sex, breed and color of the dog or cat; whether the dog or cat is spayed or unspayed, or neutered or unneutered; the date of the vaccination; the type of rabies vaccination administered and the manufacturer's serial number; and 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 such purpose until the date that the immunization expires or the dog is revaccinated, whichever occurs first.

(d) *Tag.* After issuing the certificate of rabies vaccination, the veterinarian shall deliver a rabies vaccination tag of durable material to the owner, 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 to collar.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and such collar, with the tag attached, shall be kept on the dog at all times, but such requirement does not apply to a dog during competition or training; while hunting; while securely confined indoors; or while securely confined in a fenced area. The substitute tag shall be of a durable material and 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 the record in a file.

(g) *Cost.* The owner shall pay the cost of the rabies vaccination, the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.
(Code 1988, § 7-1-2)

Sec. 6-3. Dog, cat and kennel licenses.

(a) *Dog licenses.*

- (1) It shall be unlawful for any person in the village to own, harbor or keep any dog or cat more than five months of age without complying with the provisions of Wis. Stats. §§ 174.05-174.10, relating to the listing, licensing and tagging of such dogs and cats.
- (2) The owner of any dog or cat 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 or cat becomes five months of age, pay a license tax and obtain a license for such dog or cat.

- (3) The minimum license tax under this subsection (a) shall be as set by the village board from time to time for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be as set by the village board from time to time and on file in the village offices. Such amounts shall be reduced by one-half in the animal becomes five months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.
- (4) Upon payment of the required license tax and presentation of evidence that the dog is currently immunized against rabies, as required by section 6-2, the village administrator shall complete and issue to the owner a license for such dog, containing all information required by state law. The village administrator shall deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number of the license, the name of the county in which such license is 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 or cat for which the license is issued at all times, except as provided in section 6-2(e).
- (6) The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog is unlicensed. Any village police or humane officer shall seize, impound or restrain any dog or cat for which a dog or cat 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 annually receive a free dog license from the village administrator upon application of such license.

(b) *Kennel licenses.*

- (1) Instead of the license tax for each dog required by this section, any person who keeps or operates a kennel may apply for a kennel license for the keeping or operating of the kennel. Such person shall pay a license tax for the license year as set by the village board from time to time and on file in the village offices for a kennel of 12 or fewer dogs and an additional fee as set by the village board from time to time and on file in the village offices for each dog in excess of 12. Upon payment of the required kennel license tax and, if required by the village board, presentation of evidence that all dogs over five months of age are currently immunized against rabies, the village administrator 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 after a conditional use permit has been issued following a public hearing pursuant to chapter 58, pertaining to zoning.
- (2) The owner or keeper of a kennel shall, at all times, keep a kennel license tag attached to the collar of each dog over five months of age kept by the owner or keeper under a kennel license, but such a requirement does not apply to a show dog during competition, a dog securely confined indoors, or a dog securely confined in a fenced area. The 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, at all times, to the dog for which it is issued, but such requirement does not apply to a show dog during competition, a dog securely confined indoors, or a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or

be taken any place outside the limits of the kennel, unless the dog is on a leash or temporarily for the purpose of hunting, breeding, trial, training or competition.

(Code 1988, § 7-1-3; Ord. of 8-10-2005(11))

State law reference – Similar provisions, Wis. Stats. § 174.053.

Sec. 6-4. Late fees.

The village administrator shall assess and collect a late fee as set by the village board from time to time and on file in the village offices from every owner of a dog five months of age or older 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 failed to obtain a license on or before the dog reached licensable age. Such late fee shall be charged in addition to the required license fee.

(Code 1988, § 7-1-4)

Sec. 6-5. Rabies quarantine.

(a) *Confinement of dogs and cats; notice.* 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 administrator shall promptly post notices of quarantine in at least three public places within the village.

(b) *Exemptions.* A dog or cat which is currently immunized against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the village quarantine provisions of subsection (a) of this section if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

(c) *Animal suspected of biting a person or being infected with or exposed to rabies.*

(1) *Dogs and cats.* An officer shall order a dog or cat to be 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 kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees. 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) *Other animals.* An officer may kill, or order to be killed, 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 order the animal to be 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 currently immunized against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence.

- (2) *Animals suspected of biting a person.* 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. For the purposes of 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 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) *Period of confinement.*
- (a) If a dog or car 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. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.
- (b) If a dog or car 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 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) *Animals exhibiting symptoms of rabies.* If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observational 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 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 state laboratory of hygiene.* An officer who kills 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 of the head to the state laboratory of hygiene by the most expeditious means feasible 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 state laboratory of hygiene shall examine the specimen and determine if the animal was infected with rabies, and 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 by an officer to be involved in the rabies control program is encouraged to cooperate in a professional capacity with the village, the state 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
- (h)

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 such expenses.

(Code 1988, § 7-1-5)

Sec. 6-6. Keeping animals; running at large.

(a) *Restrictions.* It shall be unlawful for any person within the village 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 or destroys property.
- (3) Is at large within the limits of the village.
- (4) Habitually barks or howls to the annoyance of any person (see section 6-12).
- (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 the dog, is unlicensed.

(b) *Vicious dogs and animals.*

- (1) No vicious dog shall be allowed off the premises of its owner unless such a dog is muzzled and

on a leash no longer than 4 feet in length, and under control of the owner or a member of the owner's immediate family over 18 years of age. For purposes of this subsection, a dog shall be deemed as being of a vicious disposition if the animal is a pit bull dog, or within any 12 month.....by the police authorities> Pit bull dog means and includes any of the following dogs: the Staffordshire Bull Terrier breed of dogs, the American Staffordshire Terrier breed of dogs, The American Pit Bull breed of dogs, any and all dogs that have the appearance and characteristics of being predominantly of the breeds of dogs known as Staffordshire Bull Terrier, American Staffordshire Terrier, or American Pit Bull Terrier.

No vicious dog shall be allowed to reside in any home, residence, or kennel or property that is rented, bartered, given, leashed or otherwise not owned by the owner of the vicious dog; furthermore, no vicious dog will be allowed to reside on any property if the vicious dog is not owned by the owner of the property.

When a vicious dog is kept on the property of its owner the vicious dog shall not be kept in any type of outdoor kennel, under the control of any type of wireless fencing and the owner or a member of the owner's immediate family over 18 years of age or older shall be with the vicious

dog anytime it is outside of the primary structure on the property.

- (2) No person shall harbor or permit to remain on his 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.*

- (1) No person having any animal or fowl in his possession or ownership shall allow the animal or fowl to run at large within the village. The owner of any animal, whether licensed or unlicensed, shall keep the animal tied or enclosed in a proper enclosure so as not to allow the animal to interfere with the passing public or neighbors. Any unlicensed animal running at large and required by law or ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.

- (2) Any 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 such a dog or cat.

(d) *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 set forth therein, are adopted and incorporated in this section by reference.

(Code 1988, § 7-1-6)

Sec. 6-7. Impoundment.

(a) *Animal control agency.*

- (1) The village may contract with or enter into an agreement with a person, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and assistance in the administration of rabies vaccination programs.

- (2) The village delegates to any such animal control agency the authority to act pursuant to the provisions of this chapter.

(b) *Right.* In addition to any penalty provided for a violation of this chapter, any police 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; 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, made under oath, alleging the facts regarding the violation and containing agreement to reimburse the village for any damages it sustains for improper or illegal seizure.

(c) *Notification; claiming animals; 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 an owner is known to the officer or can be ascertained with reasonable effort, but if such owner is unknown or unascertainable, the officer shall post written notice in three public places within 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. If, within seven 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 has bitten a person before the animal is impounded, the animal shall be retained in the animal shelter for 14 days for observations purposes. Within such time, the owner may reclaim the animal upon payment of impoundment fees as set by the village board from time to time and on file in the village offices. No animal shall be released from the pound without being properly licensed, if required by law or ordinance.

(d) *Sale upon owner not claiming animal.* If the owner does not reclaim an animal within seven days after impoundment, the animal warden may sell the animal to any willing buyer.

(e) *Nonliability for impoundment or death of 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.

(Code 1988, § 7-1-7)

Sec. 6-8. Dogs and cats prohibited in cemeteries; exemption.

(a) No dog or cat shall be permitted in any public cemetery.

(b) Every dog specially trained to lead blind persons shall be exempt from this section.

(Code 1988, § 7-1-8)

Sec. 6-9. Duty of owner or keeper 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 police department, and shall keep such dog or cat confined for not less than 14 days or for such period as the police department shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or human officer upon demand, for examination.

(Code 1988, § 7-1-9)

Sec. 6-10. Depositing of fecal matter on public or private property prohibited; exemption.

(a) The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to be deposited upon any street, alley or other public or private property, unless such matter is immediately removed by the owner or person in charge of such dog or animal.

(b) This section shall not apply to a person who is visually or physically handicapped.

(Code 1988, § 7-1-10)

Sec. 6-11. 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 land or premises without the permission of the owner of such land or premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree

or garden in any matter whatsoever or to defecate thereon.
(Code 1988, § 7-1-11)

Sec. 6-12. Barking dogs and crying cats declared a public nuisance.

It shall be unlawful for any person to knowingly 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 section when two signed, written complaints are filed with the police department within a four-week period.

(Code 1988, § 7-1-12)

Cross reference – Nuisances, ch. 26.

Sec. 6-13. Prohibited and protected animals, fowl, reptiles and insects.

- (a) *Protected animals.*
- (1) *Possession and sale.* It shall be unlawful for any person to possess with the intent to sell or offer for sale, or buy or attempt to buy, within the village, any of the following animals, when alive or dead, or any part or product thereof:
- a. All wild cats of the family feline;
 - b. Polar bears (*Thalarctos maritimus*);
 - c. Red wolves (*Canis niger*), vicuna (*Vicugna vicugna*);
 - d. Alligators, caimans or crocodiles or the order of crocodylian;
 - e. Gray or timber wolves (*Canis lupus*);
 - f. Sea otters (*Enhydra lutris*);
 - g. Pacific Ridley turtle (*Lepidochelys olivacea*);
 - h. Atlantic green turtle (*Chelonia mydas*); or
 - i. Mexican Ridley turtle (*Lepidochelys kempi*).
- (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 appear 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) *Regulation of the importation of certain birds.* No person shall import, or cause to be imported, into the 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 or body, or any part thereof, of any species of hawk, owl or eagle legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritages.

(b) *Exceptions.* The provisions of 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, institute of higher learning, persons holding federal permits or a person holding a scientific collectors permit issued by the secretary of the state department of natural resources, or any person or organization licensed to present a circus.

(c) *Wild animals.* It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the village 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 possession or under his 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 (*Papoi*, *Mandrillus*).
- (4) Bears (*Ursidae*).
- (5) Bison (*Bison*).
- (6) Cheetas (*Acinonyx jubatas*).
- (7) Crocodilians (*Crocodylia*), 30 inches in length or more.
- (8) Constrictor snakes, six feet in length or more.
- (9) Coyotes (*Canis latrans*).
- (10) Deer (*Cervadae*), including all members of the deer family, for example, whitetailed deer, elk, antelope and moose.
- (11) Elephants (*Elephas* and *Loxodonta*).
- (12) Game cocks and other fighting birds.
- (13) Hippopotami (*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 (*Strutio*).
- (21) Piranha fish (*Characidae*).
- (22) Poisonous insects.

- (23) Pumas (*Felis concolor*), also known as cougars, mountain lions and panthers.
- (24) Rhinoceroses (*Rhinocero tidae*).
- (25) Sharks (class Chondrichthyes).
- (26) Snow leopards (*Panthera uncial*).
- (27) Tigers (*Panthera tigris*).
- (28) Wolves (*Canis lupus*).
- (29) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes, unless otherwise permitted elsewhere in this Code.

(d) *Exceptions.* The prohibitions of subsection (c) of this section shall not apply where the creatures are in the care, custody or control of veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; and itinerate or transient carnival, circus or other show; dog or car shows or trials; public or private educational institutes; licensed pet shops; and zoological gardens, if:

- (1) Their location conforms to the provisions of chapter 58, pertaining to zoning.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and maintained so as to eliminate objectionable odors.
- (3) Animals are maintained in quarters constructed so as to prevent the animals' escape.
- (4) No person lives or resides within 100 feet of the quarters in which the animals are kept.
(Code 1988, § 7-1-13)

Sec. 6-14. Sale, etc., of rabbits, chicks, ducklings, fowl and artificially colored animals.

(a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise artificially colored.

(b) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such a person's care, custody or control.

(c) No retailer, as defined by Wis. Stats. § 100.30(2)(g), may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings, other fowl under two months of age, in any quantities less than six, unless the selling of such animals is for agricultural, wildlife or scientific purposes.
(Code 1988, § 7-1-14)

State law reference – Similar provisions, Wis. Stats. § 951.13.

Sec. 6-15. Provisions of proper food and drink to confined or impounded 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 animal at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

(Code 1988, § 7-1-15)

State law reference – Similar provisions, Wis. Stats. § 951.13.

Sec. 6-16. Provisions 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. 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.* The minimum indoor standards of shelter shall include:

(1) *Ambient temperature.* 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 animal at all times.

(c) *Outdoor standards.* The minimum outdoor standard of shelter shall include:

(1) *Shelter for 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, the term “caged” does not include farm fencing used to confine farm animals.

(2) *Shelter from inclement weather.*

a. *Animals in general.* Natural or artificial shelter which is appropriate to the local climatic conditions for the species of the animal 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.* The 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 animal from injury and contain such animal.

(2) *Construction and maintenance 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 of the animal.

(e) *Sanitation standards.* The minimum sanitation standards 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.

(Code 1988, § 7-1-16)

State law reference – Similar provisions, Wis. Stats. § 951.14.

Sec. 6-17. Neglect or abandonment.

(a) *Generally.*

(1) No person may abandon any animal.

(2) Any law enforcement 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 of such abandoned or neglected animal, if known, shall immediately be notified, and such officer or other person having possession of the animal shall have a lien on such animal for its care, keeping and medical attention and the expense of notice.

(3) If the owner or custodian is unknown and, with reasonable effort, cannot be ascertained or, within five days after notice, does not redeem the animal by paying the expenses incurred, such animal may be treated and dealt with as a stray animal.

(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 kill such animal, and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

(b) *Sick and 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 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 agency for the costs of such treatment.

(Code 1988, § 7-1-17)

Sec. 6-18. Cruelty to animals and birds.

(a) *Unlawful acts.* No person within the village, except a police officer or health or humane officer in the pursuit of his duties, shall 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 village street from a motor vehicle or trailer or semitrailer drawn by a motor vehicle.

(c) *Use of poisonous and controlled substances.* No person may expose any pet animal owned by

himself or another to any known poisonous or controlled substance as such substance may be defined by statute, whether or not mixed with meat or other food, 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 a person'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.* No person may, directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon 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) Bristle bur, tack bur or similar device; or
- (2) Poling device used to train a horse to jump, which is charged with electricity or to which nails, tacks or other sharp points have been affixed.

(e) *Shooting at caged or staked animals.* No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or to 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 of any animal that is tied, staked out, caged or otherwise intentionally confined in a manmade enclosure, regardless of size.

(Code 1988, § 7-1-18)

Sec. 6-19. Trapping.

(a) In the interest of public health and safety, it shall be unlawful for any person, in or upon land within the village, 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. For the purpose of this subsection, the term "live box-type traps" means 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 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 19, as such chapter relates to trapping.

(d) This section shall not apply to trapping within the confines of buildings or homes.

(e) Nothing in this section shall prohibit or hinder the village or its employees or agents from performing their official duties.

(Code 1988, § 7-1-19)

Sec. 6-20. 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 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 law enforcement officers or humane society agents engaged in the exercise of their official duties or as otherwise permitted in this chapter.

(Code 1988, § 7-1-20)

Sec. 6-21. Vehicle accidents.

The operator of any vehicle involved in an accident resulting in injury or death of a dog, cat or other animal which appears to be a pet shall immediately notify the police department or an animal control agency whose jurisdiction extends into the village.

(Code 1988, § 7-1-21)

Cross reference – Traffic and vehicles, ch. 50.

Sec. 6-22. Limitation on number of dogs.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dog means any canine, regardless of its age or sex.

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

(b) *Public nuisance declared.* The keeping of a large number of dogs within the village for a considerable period of time detracts from and, in many instances, is detrimental to the health and comfortable life in such areas; therefore, the keeping of a large number of dogs is declared a public nuisance.

(c) *Number limited; exception.*

(1) No family shall own, harbor or keep in its possession more than three dogs on any residentially zoned lot without the prior approval of the village board, except that a litter of pups, or a portion thereof, may be kept for not more than eight weeks from birth. If more than one family resides on a residential lot, then only a total of three dogs shall be allowed on the residential lot, unless prior approval is obtained from the village board. For the purposes of this section, the term "family" means one or more persons.

(2) The requirement of subsection (c)(1) of this section may be waived with the approval of the village board or when a kennel license has been issued by the village. Such application for waiver shall first be made to the village administrator, who shall forward the request with his approval or objection to the emergency services committee of the village board, which shall receive reports from the police department on such application. After deliberation, the emergency services committee shall make a recommendation to the village board prior to action of the village board on the matter.

(Code 1988, § 7-1-22)

Sec. 6-23. Beekeeping.

(a) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept, or 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 20 feet to any property boundary.
- (2) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier of not less than five feet in height, which will prevent bees from flying through it, shall be installed and maintained along such exterior boundary. Such barrier may be either a natural or artificial planting.
- (3) Fresh, clean watering facilities for bees shall be provided on the premises.
- (4) The bees and equipment shall be kept in accordance with the provisions of this statute.

(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.
(Code 1988, § 7-1-23)

Sec. 6-24. Horses.

Horses, provided that they are kept pursuant to all applicable, state, county and village laws and/or ordinances ad as follows:

- (a) The horse is kept only for the personal use of the resident and his guest but not for hire or money.
- (b) Not more than one horse is permitted per three acres of land zoned agricultural, and not more than one additional horse shall be permitted for each additional acre thereafter, and the number shall not exceed three horses on any one property.
- (c) An appropriate fenced enclosure and padlock approved by the plan commission shall be provided for the horse.
- (d) Manure shall be disposed of in such a manner and with such frequency to prevent offensive odors from affection adjacent properties.

(Ord. of 8-10-2005(7))

Sec. 6-25. Violations; penalties.

(a) Any person who violates sections 6-15 – 6-23 shall be subject to a forfeiture of not less than \$50.00, nor 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 chapter.

(b) Any person who violates sections 6-1 – 6-5 or Wis. Stats. Ch. 174 shall be subject to a forfeiture of not less than \$25.00, nor more than \$200.00 for the first offense, and not less than \$100.00, nor more than \$400.00 for any subsequent offense.

(c) An owner who refuses to comply with an order issued under section 6-5 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 and not less than \$100.00, nor more than \$1,000.00, or be imprisoned not more than 60 days, or both.

(d) Any person who violates sections 6-6 – 6-14 shall be subject to a forfeiture of not less than \$25.00, nor more than \$100.00 for the first violation, and not less than \$50.00, nor more than \$200.00 for any subsequent violation.

(Code 1988, § 7-1-24)

Sec. 6-26. Feeding of Deer.

(a) It shall be unlawful for anyone to place any feed such as salt, minerals, apples, corn, sunflower seeds, deer suckers or any other type of feed on the ground or in aggregate quantities greater than one-half gallon at the height of less than 6 feet off the ground for purposes of offering and enticing deer into any specific area of anyone's property in the Village of Spring Valley, except as provided in the exception below:

Exception: The feeding of deer may be authorized by the Village board in writing and the issued permit signed by the Village Administrator.

CD6:19