

6.08.010 Definitions.

As used in this chapter:

"At large" includes any dog or cat off the premises of its owner or upon the public streets, sidewalks, alleys, public grounds, school grounds or parks within the city. A dog or cat shall not be deemed at large if:

1. It is attached to a leash of sufficient strength to restrain the dog or cat and the leash is held by a person competent to govern the dog or cat; or
2. It is properly restrained within a motor vehicle; or
3. It is accompanied by and under the control of any person.

"Owner" includes any person owning, harboring, sheltering or keeping a dog or cat. The occupant of any premises on which a dog or cat remains or at which it customarily returns for a period of ten days is presumed to be harboring, sheltering or keeping a dog or cat within this definition. (Ord. 1597 § 1 (part), 1997; prior code § 9.22(1))

6.08.020 Ownership restrictions.

No owner shall own a dog or cat which:

A. Is at large; or

B. Assaults or attacks any person; or

C. By frequent and habitual howling, yelping, barking, meowing or otherwise shall cause serious annoyance or disturbance to two persons, each of whom lives in a separate residence. Alternatively, the complaint may be based on the personal observation of an on-duty police officer or humane officer.

D. Sections 174.02(2) and 174.02(3) Wisconsin Statutes are incorporated herein by this reference. (Ord. 1903 § 1, 2003)

6.08.030 Impoundment authority.

The Elmbrook Humane Society and its agents and any police officer may apprehend and impound any dog or cat within the classification of Section 6.08.020. (Prior code § 9.22(3))

6.08.040 Setting dog or cat at large prohibited.

No person, except the owner of a dog or cat or his agent, shall open any

door or gate of any private premises or otherwise entice or enable any dog or cat to leave any private premises for the purpose or with the result of setting such dog or cat at large. (Prior code § 9.22(4))

6.08.050 Control of rabies.

A. Any police officer or the Elmbrook Humane Society or any of its agents may impound any dog or cat which, from the appearance or conduct of such dog or cat, appears to be infected with the disease known as hydrophobia or rabies.

B. Any person who shall suspect that any dog or cat is infected with hydrophobia or rabies shall report his suspicion to the police or health authorities, describing the dog or cat and giving the name of the owner, if known; any such dog or cat shall, upon demand of any police officer or health officer or the Elmbrook Humane Society or any of its agents, be delivered to such person and if, upon examination by the health authorities or the Elmbrook Humane Society or any of its agents, the dog or cat shall prove, in fact, to be infected with such disease, the dog or cat may be killed by any such officer.

C. No person shall knowingly harbor or keep any dog or cat infected with hydrophobia or rabies or any dog or cat known to be bitten by a dog or cat known to have been infected with hydrophobia or rabies.

D. Any person who knows that a dog or cat has bitten any person shall immediately report such fact to a police officer or health officer and, upon notification of such fact, the owner or keeper of such dog or cat shall confine such dog or cat for at least fourteen (14) days thereafter and shall not release it without the written approval of a licensed veterinarian. (Prior code § 9.22(5))

6.08.060 Disposal of impounded animal.

After any dog or cat has been impounded for seven days, it may be destroyed under the direction of the chief of police or the officer performing similar functions, or the Elmbrook Humane Society or any of its agents. (Prior code § 9.22(6))

6.08.080 Littering of property prohibited.

No owner, keeper or walker of any dog or cat shall permit, allow or have his dog or cat discharge such animals excreta upon any public or private

property other than the property of the owner of the dog or cat within the city if such owner, keeper or walker does not immediately thereafter remove and clean up such animals excreta from the public or private property.
(Prior code § 9.22(8))

6.08.090 Dog licenses.

The fees for dog licenses are established and fixed, as follows:

A. All dogs more than five months of age shall be licensed and shall wear a license tag attached to its dog collar. The fact that a dog is without a license attached to its collar shall be presumptive evidence that the dog is unlicensed.

B. License fees for neutered/spayed and unneutered/unspayed dogs shall be in accordance with Section 174.05(2), Wisconsin Statutes. The license year commences on January 1st and ends the following December 31st.

C. An additional fee of four dollars (\$4.00) per dog license shall be collected to cover administrative expenses, in accordance with Section 174.05(3), Wisconsin Statutes.

D. A late fee of five dollars (\$5.00) shall be collected from every owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1st of each year or within thirty (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 in accordance with Section 174.05(5), Wisconsin Statutes. (Ord. 1835 § 1, 2001)

Chapter 6.10 HUMANE OFFICER

6.10.010 Humane officer.

The common council shall appoint a humane officer for a one-year term who shall have the qualifications required and exercise the powers set forth by Chapter 173, Wisconsin Statutes, and all subsequent amendments. Such appointment may be made upon such terms and conditions as the common council shall deem necessary and which are not in conflict with state law. Such appointment shall be renewed annually by operation of this chapter, without action by the common council, unless the common council appoints another person to this position prior to an annual renewal date. (Ord. 1761

§ 1 (part), 2000)

6.10.020 Appeals of abatement orders of humane officer.

Pursuant to Chapter 173, Wisconsin Statutes, and all subsequent amendments, abatement orders of the humane officer may be appealed to the chief of staff for administration and policy who may modify or withdraw such orders. (Ord. 1806 § 1 (part), 2001; Ord. 1761 § 1 (part), 2000)