

Chapter 95, ANIMALS

GENERAL REFERENCES

Animals in parks -- See Ch. 204.

Peace and good order -- See Ch. 208.

ARTICLE I, Dogs [Adopted 2-16-1955; as amended through 2-13-1989]

95-1. Licenses.

A. License required. A license shall be necessary for any dog over five months of age. [Amended 12-11-2000]

B. License fee. The license fee shall be at least the minimum required by § 174.05(2), Wis. Stats., and shall by resolution be established by the Village Board. [Amended 12-11-2000]

C. Term. Upon the payment of the required license fee, the Village shall issue a license to the owner or keeper of such dog for the current license year which expires on the 31st day of December; provided, however, that the applicant for a license shall first display to the designated Village agent a current certificate of rabies vaccination as required by § 95.21, Wis. Stats., enacted as Chapter 289, Laws of 1979.

D. Attachment to collar. The licensee, upon procuring the license, shall securely attach the tag to a collar. This collar, with tag, shall at all times be kept on the dog for which the license is issued.

E. For any official police canine, when it is deemed by the handler that wearing of the tag and collar is likely to create an unsafe working condition for the canine or handler, the license tag and collar is not required to be attached to the canine while performing official duties but shall remain in possession of the handler. [Added 2-12-2001]

95-2. Nuisances. [Amended 12-11-2000]

A. Running at large.

(1) Except for any police canine, while performing a law enforcement function, it shall be unlawful for a dog to run at large on any public property or on private land other than that of its owner. A dog shall not be deemed to be at large if it is accompanied by its owner, a member of the owner's household or the designated canine handler if a police canine and is under the control or command of such person and is not threatening or disturbing any other persons or animals or any public or private property. [Amended 2-12-2001]

(2) No owner of or person harboring or keeping a fierce or vicious dog or female dog in season shall suffer the same to run at large at any time within the Village.

(3)Notwithstanding any other provisions of this article, except for any police canine, no dog will be allowed on the Village municipal grounds or any portion thereof at any time. [Added 2-12-2001]

B.Fierce or vicious animal. [Amended 2-12-2001; 2-26-2002]

(1)Any humane officer or law enforcement officer having reasonable grounds to believe that any animal, except for any police canine while performing a law enforcement function, has caused injury to persons or animals within the Village may take such animal into custody pursuant to § 173.13, Wis. Stats., where such humane officer or law enforcement officer has reasonable grounds to believe that the animal poses a significant threat to public health, safety, or welfare.

(a)If a humane officer or law enforcement officer takes custody of an animal with the knowledge of the owner, the humane officer or law enforcement officer shall explain the procedure by which the owner can recover the animal, including the procedure under § 173.22, Wis. Stats., and the procedure to be followed if the animal is not returned to the owner.

(b)If a humane officer or law enforcement officer takes custody of an animal without the knowledge of the owner, the humane officer or law enforcement officer shall promptly notify the owner, in writing, if he or she can be identified and located with reasonable effort. The notice shall explain the procedure by which the owner can recover the animal, including the procedure under § 173.22, Wis. Stats., and the procedure to be followed if the animal is not returned to the owner. The notice shall also inform the owner that the owner must notify any person with a lien on the animal that the animal has been taken into custody.

(c)If the owner informs the humane officer or law enforcement officer in writing that he or she will not claim the animal, it may be treated as an unclaimed animal under § 173.23 (1m), Wis. Stats.

(2)Disposition of any animal taken into custody under this section shall be governed by § 173.23 of the Wisconsin Statutes, as amended from time to time.

C.Frequent and habitual howling. It shall be unlawful for any person to own, keep, have in his or her possession or harbor any dog which by frequent or habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to persons or to the neighborhood. No persons shall be convicted under the provisions of this subsection except upon the evidence of two persons.

D.Dog residue. It shall be unlawful for any owner of a dog to fail to immediately remove the waste matter of the dog from any public or private property except that property owned by the dog owner.

95-3. Impoundment.

It shall be the duty of the Humane Officer to apprehend any dog running at large on any public land or on private land other than that of its owner and to confine such dog when apprehended.

95-4. Reclaiming impounded dogs. [Amended 12-11-2000]

Any owner of a dog so confined by the Humane Officer may reclaim the dog upon payment of all costs and charges incurred in impounding and keeping such dog. It is hereby made the duty of the Humane Officer to keep all said dogs so apprehended for a period of seven days to afford the owner of the dog an opportunity to reclaim it.

95-5. Violations and penalties.

Any person violating the provisions of this article shall be fined not less than \$15 nor more than \$100, together with the costs of the action. In default of the payment of such fine and costs, any such person shall be imprisoned in the county jail of Waukesha County not less than five days nor more than 30 days.

ARTICLE II, Cruelty to Animals or Birds [Adopted 6-14-1971; amended 1-13-1975]

95-6. Bird sanctuary.

The entire area embraced within the corporate limits of the Village of Elm Grove, Wisconsin, is hereby designated as a bird sanctuary.

95-7. Prohibited acts.

A.No person except a peace officer or health or humane officer in the pursuit of his or her duties shall, within such Village, trap, hunt, shoot or attempt to shoot or molest any bird, wild fowl or animal or disturb any bird's nest or bird's eggs.

B.No person shall commit an act of cruelty to any animal or bird.

95-8. Exceptions.

A.Trapping of animals with noninjurious box traps shall be permitted, as well as trapping of rodents, on an owner's premises.

B.Canada Goose depredation activities undertaken pursuant to and authorized by a federal permit are exempt from this article. [Added 12-11-2000]

95-9. Violations and penalties.

Any person found guilty of violating any of the provisions of this article shall be subject to a fine of not more than \$100 and costs and, in default of payment of such fine and costs, shall be imprisoned in the county jail until the same are paid, such imprisonment not to exceed 10 days.

ARTICLE III, Humane Officers [Adopted 8-13-2001]

95-10. Appointment of humane officers.

A. The Village Board may appoint one or more humane officer(s) pursuant to § 173.03, Wis. Stats.

B. All humane officers shall be certified as required by § 173.05, Wis. Stats.

C. All humane officers shall have the powers and duties as defined in § 173.07(4), Wis. Stats., and at all times perform in conformance with §§ 173.09 through 173.27, Wis. Stats.

D. No humane officers shall issue citations as authorized under § 173.07(4), Wis. Stats., but shall request prosecution pursuant to § 173.07(4m), Wis. Stats.

E. As required by § 173.03(2), Wis. Stat., the Village Zoning Administrator shall be designated to conduct requested abatement order hearings consistent with § 173.11(2) and (3), Wis. Stats.