

Sec. 14-1. Definitions.

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

Animal means any living creature other than a human being which is raised and/or maintained in confinement or which is intended to or is kept as a pet. It shall include, without limitation, the following: dogs, cats; domesticated horses, mules, cattle, sheep, goats, swine, fowl, geese, and turkeys; and confined domestic hares and rabbits.

At large means any animal off of the premises of its owner or upon the public streets, alleys, public grounds, school grounds, or parks within the village.

Cat means all domesticated members of the Felis Catus family, male or female.

Dog means all domesticated members of the Canis Familiaris, male or female.

Dwelling unit means one or more rooms, including the bathroom and the complete kitchen facilities, which are arranged, designed or used as living quarters for one family or household.

Guardian means owner.

Keeper means a person who has custodial or supervisory authority or control over an animal.  
Kennel means any establishment for the commercial care, harboring or breeding of more than two dogs and/or cats.

Owner means any person owning, harboring, sheltering or keeping an animal. The occupant of any premises on which an animal remains or to which it customarily returns daily for a period of ten days is presumed to be harboring, sheltering or keeping an animal within this definition.

Premises of the guardian or keeper of an animal means only that property over which the guardian or keeper has full possession and control, and from which the guardian or keeper has the authority to exclude, and does exclude, the public.

(1) Private property which is fenced or otherwise enclosed so that dogs within it cannot escape, and which is set aside by the owner of the property for use as a dog exercise or play area, and through which persons who are authorized to use the property are not required to pass in order to get to their destination, shall be deemed the premises of any guardian or keeper who has the express permission of the owner of such area to use it with the dog for such purposes.

(2) Places which are not "premises of the guardian or keeper of an animal" within the meaning of this definition include, without limitation, the following:

- a. All public property; or
- b. On private property:

1. Any common sidewalk or walkway, any common unenclosed yard, or any other common unenclosed exterior space;
2. Any common parking facility (whether or not spaces are reserved); or
3. Any common interior room, hallway, stair, or passageway.
4. For the purposes of this definition, "common" means any part of a residential condominium, townhouse development, apartment building, shopping center, business condominium, office building, business center, or industrial park which residents, owners, tenants, employees, customers, or visitors of more than one unit or space may use.

(Code 1963, § 10.06(1); Ord. No. 175-O-02, §§ 1--3, 3-4-02)

Cross references: Definitions generally, § 1-2.

Sec. 14-2. Impounding.

- (a) Required. Every police officer, health department or humane officer finding an animal at large shall seize such animal and impound it in a place provided by the village.
- (b) Repossession of animals. The possession of any dog so seized or impounded may be obtained by the owner upon the payment of all the amounts due as determined by section 42-14(b).
- (c) Disposal of animals.
  - (1) Any animal not reclaimed by the owner within seven days may be disposed of as provided by the impoundment facility.
  - (2) The carcasses of dead animals must be disposed of in a sanitary manner within 24 hours after death. If such carcasses are disposed of by the village, the village shall, if reasonably possible, notify owners of the disposal of their animal.
- (d) Reporting.
  - (1) Any person or officer who impounds or kills any animal subject to this chapter shall deliver such animal or its carcass to such village officials or employees as may be designated by the village manager for that purpose. After making this delivery, such person or officer shall make, upon request, a report to the village manager stating when and under what conditions the person or officer seized, impounded or killed such animal, together with the name and address of the owner, if known.
  - (2) Whenever any unlicensed dog or cat is so impounded and delivered to the proper village official, that official may, if practical, give notice to the owner, if known, of the impoundment of

such unlicensed dog or cat within 24 hours after the delivery of this animal to that village official. This notice may be given verbally to the owner or keeper of such animal, or to a member of the owner's or the keeper's family who is over 16 years of age and resides with the owner or keeper.

(Code 1963, § 10.06(4))

Sec. 14-3. Running at large.

(a) No person shall permit or suffer any animal which that person owns, or which is in that person's possession or control, to be at large within the village. Any animal found at large shall be deemed to be so with the permission, or at the sufferance, of its owner or the person in possession or control of such animal.

(b) No person, except the owner of an animal, or the owner's agent, shall open any door or gate of any private premises or to otherwise entice or enable any animal to leave any private premises, for the purpose or with the result of setting such animal at large.

(c) If any person secures an animal, or suffers or permits an animal to be secured by any tie-out, rope, leash or chain on that person's property or the property of another, such person shall ensure that any such tie-out, rope, leash or chain so used be of such length as to prevent the animal so secured from roaming beyond the property limits of the property on which the animal is secured.

(d) An animal which otherwise falls within the definition set out in section 14-1 will not be deemed to be at large if:

(1) It is attached to a leash of sufficient strength to restrain the animal and not more than ten feet in length where such leash is held by a person competent to govern the animal;

(2) When the animal is properly restrained within a motor vehicle, provided that such vehicle is properly ventilated for the animal's safety; or

(3) When not more than 50 feet from its owner or the agent of such owner in charge of such animal, and competent to govern such animal, at such distance, if the animal is not annoying or worrying pedestrians or trespassing on private property or public areas where such animals are forbidden.

(Code 1963, § 10.06(2))

State law references: Livestock at large, Wis. Stats. § 172.01; dogs at large, Wis. Stats. § 174.042.

Sec. 14-4. Rabid animals.

(a) The owner of any animal which has contracted rabies or which has been subject to rabies, or which is suspected of having rabies, or shall have bitten any person, shall, upon demand of the police department of the village, produce or surrender up such animal to be held in quarantine for observation for a period determined by the health authority.

(b) If, upon examination by the health authority, any animal shall be proved to be infected with rabies, such animal shall be killed as directed by the health authority.

(c) No persons shall knowingly harbor or keep any animal infected with rabies, or any animal known to have been bitten by a rabid animal, or shall fail to report to the police department the existence of a animal which he knows to be so infected.

(d) During the time that the village or any part of the village shall be quarantined for rabies, pursuant to the provision of Wis. Stats. § 95.21, or any other provision of the law, animals within the district so quarantined shall be securely confined, tied, leashed or muzzled. Any animal not kept securely confined, tied, leashed or muzzled is declared to be a public nuisance and shall be impounded by any police officer, health official, humane officer or other person.

(e) Upon the impounding of such animal, notice of such shall be given, and the animal may be repossessed, and it may be killed and a report made in the manner described under this chapter.

(Code 1963, § 10.06(6))

State law references: Rabies control, Wis. Stats. § 95.21.

Sec. 14-5. Abandoned animals.

No person shall abandon any animal on any public or private lands within the village.

(Code 1963, § 10.06(9))

Sec. 14-6. Responsibility for care of dogs and cats.

The owner of any dog or cat shall be responsible that:

(1) All dogs and cats shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.

(2) The quarters outside of the dwelling unit in which the dogs and cats are kept shall be maintained in a clean condition and in a good state of repair and provide adequate protection from the weather.

(3) Dog or cat pens or enclosures shall be large enough to provide freedom or movement to the animals contained therein.

(4) Food supplies outside of the dwelling unit shall be stored in rodentproof containers, and food and water containers shall be kept clean.

(5) Litter and/or bedding material, outside of the dwelling unit, shall be changed as often as necessary to prevent an odor nuisance.

(6) Feces shall be removed from yards, pens and enclosure every 24 hours to prevent health problems and shall be stored in a tightly covered metal container until final disposal.

(7) Yards, pens, premises and animals shall be kept free of insect infestations.

(8) No odor nuisances shall be permitted.

(Code 1963, § 10.06(7))

State law references: Mistreating animals, Wis. Stats. § 951.02; food and drink for confined animals, Wis. Stats. § 951.13; shelter for animals, Wis. Stats. § 951.14.

Sec. 14-7. Poisoning domestic animals prohibited.

No person shall knowingly poison any domestic animal. It is a specific defense to this section that the person was the guardian of the animal or a veterinarian acting at the direction of the guardian or an employee of an animal shelter and the poison was administered directly to the animal to euthanize it.

(Ord. No. 175-O-02, § 4, 3-4-02)

Sec. 14-8. Aggressive animals prohibited.

(a) No person shall own or keep any vicious animal. An animal is deemed to be vicious when:

(1) The animal bites, claws, or attempts to bite or claw any person; bites or injures another animal; or

(2) In a vicious or terrorizing manner the animal approaches any person in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated; or

(3) When a propensity of the animal to attack or bite persons, pets or domestic animals shall exist and is known or reasonable to be known to the owner or to any member of the owner's immediate family who resides with the owner.

(b) It is a specific defense to the charge of owning or keeping a vicious animal that the person or animal that was bitten, clawed, injured, or approached by the vicious animal or another person was:

- (1) Other than in self defense or defense of its young attacking the animal or engaged in conduct reasonably calculated to provoke the animal to attack, bite, or injure;
  - (2) Unlawfully engaging in entry into or upon a fenced or enclosed portion of the premises upon which the animal was lawfully kept or upon a portion of the premises where the animal was lawfully chained;
  - (3) Engaging in unlawful entry into or unlawfully in or upon a vehicle in which the animal was confined;
  - (4) Attempting to assault another person;
  - (5) Attempting to stop a fight between the animal and any other animal; or
  - (6) Attempting to aid the animal when it was injured.
- (c) For the purposes of this section, a person is lawfully upon the premises of a guardian or keeper when such person is on said premises in the performance of any duty imposed by law or by the express or implied invitation of the owner of such premises or the owner's agent.
- (d) Any vicious animal which is found off the premises of its owner may be seized by any police officer or humane officer and, upon establishing to the satisfaction of the court of the vicious character of such animal by testimony under oath, reduced to writing, be killed by the police authorities.

(Ord. No. 175-O-02, § 5, 3-4-02)

Sec. 14-9. Animals as nuisance prohibited.

- (a) No person shall own or keep any animal that constitutes a nuisance by violating any of the sections in this chapter, by being a safety or health hazard, by damaging the property of another, or by creating offensive odors; any of which materially interferes with or disrupts another individual in the conduct of lawful activities at such individual's home.
- (b) No person shall be charged with violating this section unless a written warning was given to the person by an agent or employee of the village within 12 months preceding the first date alleged as a date of violation in the complaint. Such warning is sufficient if it recites subsection (a) of this section and states that a complaint has been received that an animal of which the defendant is the guardian or keeper is disturbing the peace of another individual. A warning is given under this subsection if it is personally given to a person owning or keeping an animal or if it is mailed first class to such person. The village manager or the village manager's designee shall keep records of all warnings given, and such records are prima facie evidence that such warnings were given.
- (c) If the village manager or the village manager's designee finds that a nuisance exists in violation of this chapter, in addition to any other remedies available under this code, the village

manager or the village manager's designee may request that the guardian or keeper of the animal correct the violation by notifying the guardian or keeper, or both the guardian and keeper, that such person has 24 hours from the date of the notice to correct the violation or such longer period as the village manager or the village manager's designee determines is reasonably necessary to correct the violation. Notice under this subsection is sufficient if it is delivered to the guardian or keeper or mailed first class to the address of the owner of property on which the animal is kept. If the person notified fails to correct the violation as required by the notice, the village may correct the violation by taking any necessary and reasonable means to do so and charge the costs thereof, plus an additional amount of \$25.00 for administrative costs, to the owner of the property and jointly and severally to the guardian and keeper of the animal.

(Ord. No. 175-O-02, § 6, 3-4-02)

Sec. 14-10. Barking, howling, or other unreasonable animal noise prohibited.

(a) No person owning or keeping any animal shall fail to prevent such animal from disturbing the peace of any other person by loud and persistent or loud and habitual barking, howling, yelping, braying, whinnying, crowing, calling, or making any other loud and persistent or loud and habitual noise, whether the animal is on or off the guardian's or keeper's premises.

(b) No person shall be charged with violating this section unless a written warning was given to the person by an agent or employee of the village within 12 months preceding the first date alleged as a date of violation in the complaint. Such warning is sufficient if it recites subsection (a) of this section and states that a complaint has been received that an animal of which the defendant is a guardian or keeper is disturbing the peace of an individual. A warning is given under this subsection if it is personally given to the person owning or keeping the animal or if it is mailed first class to such person. The village manager or the village manager's designee shall keep records of all warnings given, and such records are prima facie evidence that such warnings were given.

(c) No person shall be convicted at trial of violating this section unless two or more witnesses testify to the loud and persistent or loud and habitual nature of the noise, or unless there is other evidence corroborating the testimony of a single witness on this element.

(Ord. No. 175-O-02, § 7, 3-4-02)

Sec. 14-11. Removal of animal excrement required.

(a) No person owning or keeping any animal shall fail to prevent such animal from defecating upon any property other than the premises of the guardian or keeper.

(b) It is a specific defense to a charge of violating this section that the defecation occurred on private property with express permission of the owner or all tenants thereof.

(c) It is a specific defense to a charge of violating this section that the defecation was from an ungulate or camelid within any park, recreation area, or open space.

(d) It is a specific defense to a charge of violating this section that the guardian or keeper immediately removed or cleaned up such deposit and disposed thereof by depositing it in a toilet or a receptacle ordinarily used for garbage and covered by a lid or in an otherwise lawful and sanitary manner.

(e) The maximum penalty for a first conviction within two years, based on date of violation shall be \$500.00. For a second or subsequent violation, the court shall impose the maximum forfeiture allowed under section 1-7.

(Ord. No. 175-O-02, § 8, 3-4-02)

Secs. 14-12--14-25. Reserved.

## ARTICLE II. DOGS\*

\*State law references: Dogs, Wis. Stats. ch. 174.

Sec. 14-26. Licensing.

(a) Dog defined. As used in this article, the term "dog" includes all domesticated members of *Canis Familiaris*, male or female.

(b) Tag required. All dogs more than five months of age must be licensed and wear a license tag attached to its dog collar. The fact that a dog is without a proper license tag attached to its collar shall be presumptive evidence that it is unlicensed.

(c) Fee. The fee to be paid for a village dog license shall be as provided in section 42-14(a). An additional late fee shall be collected from every owner of a dog required to be licensed if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a dog subject to a license, or if the owner failed to obtain a license on before the date the dog reached an age which would subject it to the licensing requirement.

(Code 1963, §§ 9.11(1)--(3), 27.09(8)(c))

State law references: Dog license tax, Wis. Stats. § 174.05.

Sec. 14-27. Offensive action by dogs.

It shall be unlawful, and is declared to be a violation of this article to own, harbor, or keep any dog which:

(1) Habitually pursues any vehicle upon any public highway, street or alley in the village.

(2) Litters any place other than on the premises of the keeper or owner. Accumulation of decayed animal matter in which flies may breed is prohibited. The owner or person walking a



dog shall remove and dispose of any deposited excrement immediately after it is deposited by such dog. The owner or any person walking a dog not immediately removing such excrement shall be subject to penalties as provided in section 1-7.

(Code 1963, § 10.06(5); Ord. No. 175-O-02, §§ 9--10c., 3-4-02)

Sec. 14-28. Kennels prohibited in certain areas.

It shall be unlawful to establish, operate or maintain any kennel consisting of more than two dogs which are at least six months of age within 100 feet of any church, school, hospital or sanitarium; or any building used wholly or partially for residential purposes in the village. No public kennels shall be established, operated or maintained in any residential district or on any property zoned for residential purposes.

(Code 1963, § 10.06(8); Ord. No. 175-O-02, § 11, 3-4-02)