

Chapter 14

ANIMALS*

* **Cross References:** Environment, ch. 34; law enforcement, ch. 46; offenses and miscellaneous provisions, ch. 54.
State Law References: Strays generally, W.S.A., ch. 170; animals distrained, W.S.A., ch. 172.

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ARTICLE I.

IN GENERAL

Sec. 14-1. Keeping of animals and fowl.

All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, including without limitation free of rodents, vermin and objectionable odors.

(Code 1966, § 13.03)

Secs. 14-2--14-25. Reserved.

ARTICLE II.

DOGS*

* **State Law References:** Dogs generally, W.S.A., ch. 174.

Sec. 14-26. Penalty for violation of article.

In addition to any penalty provided in this chapter for a violation of this article, any police officer of the village may impound any dog which habitually pursues any vehicle upon any street, alley or highway of this village, assaults or attacks any person, is at large within the village, habitually barks, howls, kills, wounds or worries any domestic animal or is infected with rabies. An officer may kill any dog which places persons or property in danger of injury, death or destruction.

(Code 1966, § 14.04(6))

Cross References: Law enforcement, ch. 46.

Sec. 14-27. Regulation and licensing.

- (a) *Statutes adopted.* The following sections of the state statutes are adopted by reference:
- (1) W.S.A., § 174.001 (Definitions), except W.S.A., § 174.001(2).
 - (2) W.S.A., § 174.01 (Restraining action against dogs).
 - (3) W.S.A., § 174.02 (Owner's liability).
 - (4) W.S.A., § 174.042 (Dogs running at large and untagged dogs subject to impoundment), except W.S.A., § 174.042(3).
 - (5) W.S.A., § 174.05 (Dog license tax).
 - (6) W.S.A., § 174.053 (Kennel license).
 - (7) W.S.A., § 174.055 (Exemption of dogs for the blind).
 - (8) W.S.A., § 174.056 (Dogs for the blind and deaf admitted to public places).
 - (9) W.S.A., § 174.06 (Responsibility of list).
 - (10) W.S.A., § 174.065 (Collection).
 - (11) W.S.A., § 174.07 (Dog license and collar tags).
 - (12) W.S.A., § 174.08 (License fees paid to county treasurer).
 - (13) W.S.A., § 174.11 (Claims for damages).

(14) W.S.A., § 174.13 (Humane use of dogs for diagnosis and treatment).
(Code 1966, § 14.04(1))

Sec. 14-28. Restrictions on keeping.

It shall be unlawful for any person within the village to own, harbor or keep any dog which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the village.
- (2) Assaults or attacks any person.
- (3) Habitually barks or howls to the annoyance of any person.
- (4) 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.

(Code 1966, § 14.04(3))

State Law References: Rabies control generally, W.S.A., § 95.21.

Sec. 14-29. Duty of owner in cases of dog bite.

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the humane officer and shall keep such dog confined for not less than 14 days or for such period of time as the humane officer shall direct. The owner or keeper of any such dog shall surrender the dog to the humane officer or any village police officer upon demand for examination.

(Code 1966, § 14.04(4))

Cross References: Law enforcement, ch. 46.

Sec. 14-30. Impoundment.

(a) *Provision for pound.* The village board may provide a pound for strays or unwanted dogs in the village, or may designate a humane society or other person or organization to provide a pound for strays or unwanted dogs in the village. Services of a pound shall be taken from the dog license fees received.

(b) *Delivery.* A person who captures and restrains a dog shall notify the humane officer, or if there be none, to a police officer.

(c) *Attempt to notify owner.* An attempt to notify the owner of an impounded dog shall be made as follows:

- (1) The pound, humane officer, organization or officer who is notified or to whom a dog is delivered shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort.
- (2) The officer or pound who is notified or to whom a dog is delivered shall check the lost and found column of the local daily newspapers having a general circulation in the community to determine if a dog is advertised which answers the description of the dog.

(d) *Records.* The officer or pound who is notified or to whom a dog is delivered shall keep a record of each dog, giving a description of the dog, the date of the impoundment, if any and the disposition of the dog. If the dog is kept by, or released to, a person, the record shall include the name, address and date of delivery of the dog. This record is a public record.

(e) *Impoundment fees.* The owner of an impounded dog shall pay an impoundment fee to the officer or pound to whom the dog was delivered. The minimum impoundment fee is \$1.00, but the village board may increase this fee by resolution. All impoundment fees shall be paid to the village treasurer and credited to the dog license fund.

(f) *Boarding fee.* The owner of an impounded dog shall pay the officer or pound to whom the dog was delivered a boarding fee for each day or fraction of a day that a dog is impounded. The officer or pound shall establish the boarding fee, but this fee may not exceed the actual daily cost for boarding and caring for the dog. Boarding fees may be retained to pay expenses incurred by the officer of the pound.

(g) *Release to owner; conditions.* The officer or pound to whom a dog is delivered may release the dog to the owner or a representative if:

- (1) The owner or representative gives his name and address.
- (2) The owner or representative presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation.
- (3) The owner or representative pays the boarding fees and any impoundment fee for the dog.

(h) *Release to person other than owner; conditions.* The officer or pound to whom a dog is delivered may release to a person other than the dog's owner only if:

- (1) The owner is unknown or does not claim the dog within seven days after the dog is delivered to the officer or pound.
- (2) The person to whom the dog is released gives his name and address.
- (3) The person to whom the dog is released signs a statement agreeing to license the dog and to have the dog vaccinated against rabies unless evidence is presented that the dog is licensed and vaccinated.
- (4) The person to whom the dog is released, if required by the officer or pound, pays the boarding fees and any impoundment fee for the dog.

(i) *Sacrifice or use for humane purposes of unclaimed dogs.* A dog which is not released to its owner or to a person other than its owner within the impoundment period is deemed an unclaimed dog. The minimum impoundment period is seven days after the dog is delivered to the officer or pound. The officer or pound may extend the impoundment period if release of the dog to the owner or a person other than the owner

appears likely. The officer or pound may dispose of an unclaimed dog by releasing it as provided under W.S.A., § 174.13, by disposing of the dog in a proper and humane manner.
(Code 1966, § 14.04(5))

State Law References: Similar provisions, W.S.A., § 174.046.

Secs. 14-31--14-50. Reserved.

ARTICLE III.

KENNELS AND PET SHOPS*

* **Cross References:** Businesses, ch. 22.

Sec. 14-51. Definitions.

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

Kennel and *pet shop* means any establishment for the raising, training, boarding or selling of dogs, cats, birds, mice, rats, or other small animals for hire or profit, or where more than three dogs, cats, or other small animals are harbored or kept.

(Code 1966, § 14.04(7)(b))

Cross References: Definitions generally, § 1-2.

Sec. 14-52. License required.

It shall be unlawful to operate a kennel or pet shop anywhere in the village without first securing a license under W.S.A., § 174.053.

(Code 1966, § 14.04(7)(a))

Sec. 14-53. Sanitation.

Every place used as a kennel or pet shop shall be kept in a clean and sanitary condition, and no refuse or waste material shall be allowed to remain thereon for more than 12 hours. All animals shall be humanely treated, and any animal having any disease shall be properly isolated and treated.

(Code 1966, § 14.04(7)(c))

Sec. 14-54. Zoning.

Kennels shall be permitted only in agricultural zoning (A-1) district, as established by the ordinances of the village.

(Code 1966, § 14.04(7)(d))

Sec. 14-55. Waste products and manure accumulations.

The owner or person in charge of any animal shall not permit solid fecal matter of such animal to be

deposited on any street, alley or other public or private property unless such is immediately removed therefrom by such owner or person in charge.
(Code 1966, § 14.04(8))

Secs. 14-56--14-80. Reserved.

ARTICLE IV.

CATS*

* **Editors Note:** Ord. No. 635, § I, adopted Sept. 15, 1998, amended this chapter by the addition of provisions to be included as §§ 14-31--14-38. Such provisions have been codified herein as Art. IV, §§ 14-81--14-88 to facilitate inclusion as a new article at the discretion of the editor.

Sec. 14-81. Licensing of cats.

Each owner of a cat more than six months of age on January 1 of any year, or six months of age within the license year, shall annually, or within 30 days from the date such cat becomes six months of age, obtain a license for each cat from the village treasurer. The license year shall commence on January 1 and end on the following December 31. Such cat license tax shall be paid on or before April 1 of each year. The fee for such license shall be \$6.00 for each altered cat and \$11.00 for each unaltered cat. Each applicant for a cat license shall present a valid certificate of vaccination before being issued a license. All funds received from cat licenses shall be paid into the general fund of the village. A \$5.00 late fee will be charged to licenses issued after April 1.

(Ord. No. 635, § I, 9-15-98)

Sec. 14-82. Vaccination.

(a) It shall be the duty of each cat owner to have such cat inoculated with an avianized antirabic vaccine or any similar vaccine by a veterinarian every two calendar years commencing January 1, 1999.

(b) Cats under six months of age are not required to be vaccinated.

(c) Any cat, for which a veterinarian licensed by the state issues a certificate to the effect that the proposed inoculation will be harmful, shall be exempt from the inoculation prescribed by this article.

(Ord. No. 635, § I, 9-15-98)

Sec. 14-83. Certificate and tag.

Upon issuance of a license for a cat, the village treasurer shall provide a certificate to the cat owner. The certificate shall include the name and address of the owner of the cat, date of vaccination, tag number, breed, color, age, sex of the cat, whether the cat has had a microchip implanted, and such other information as may be required. The cat tag shall be numbered and contain the year of issuance.

(Ord. No. 635, § I, 9-15-98)

Sec. 14-84. Penalties.

In addition to the penalties hereinafter provided, any police officer of the village or any person designated by the chief of police shall impound any such cat which does not carry a tag or has had a microchip implanted. The owner may obtain possession of the cat so impounded or seized by paying an impounding fee as adopted by village board resolution and paying the reasonable cost of keeping such cat during the time that it is impounded, provided, however, that said cat shall not be released until proof has been furnished to the police officer that the cat has been inoculated with antirabic vaccine in accordance with the terms of this article. Such cat may be released temporarily to a licensed veterinarian or an employee of a licensed veterinarian, for the purpose of inoculation with antirabic vaccine or for other treatment.

After such cat has been impounded for a period of seven days without having been reclaimed by its owner or anyone in behalf of said owner, said cat shall be destroyed under the direction of the county humane society. Notice of impounding shall be given by the person or officer in the possession of the cat within 24 hours of impounding to the owner of the cat if known.
(Ord. No. 635, § I, 9-15-98)

Sec. 14-85. Cats running at large.

It shall be unlawful for any person owning or possessing any cat to permit the same to run at large. For the purpose of this paragraph, "running at large" shall be defined to be the presence of a cat at any place except upon the premises of the owner.

A 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 it.
(Ord. No. 635, § I, 9-15-98)

Sec. 14-86. Impounding cats.

Whenever any police officer or other person designated by the chief of police shall find any cat running at large as defined in this article, he or she shall, if possible, pick up and impound such animal in such place as the chief of police may direct.

Whenever any impounded cat shall bear an identification mark such as a collar or license tag or has had a microchip implanted, the owner shall be notified forthwith. The cat shall be returned to the owner immediately, unless such cat is suspected of having rabies, in which case the impounded cat shall be held for a period of seven days. At the end of seven days the impounded cat shall be disposed of unless the owner thereof shall reclaim such cat and pay at the police department, or other place as designated by the police chief, the reasonable cost of keeping such cat and an impounding fee as adopted by village board resolution. The destruction of any impounded cat by any police officer or any person designated by the chief of police under the provisions of this article shall be by means of a manner prescribed by the county humane society.
(Ord. No. 635, § I, 9-15-98)

Sec. 14-87. Keeping of numerous cats in the village.

The keeping of an unlimited number of cats in the village for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created.

The keeping of an unlimited number of cats is, therefore, declared to be a public nuisance.
(Ord. No. 635, § I, 9-15-98)

Sec. 14-88. Number of cats limited.

(a) It shall be unlawful for any person or persons to keep more than three cats within the village, with the exception that a litter of kittens, or a portion of a litter may be kept for a period of time not exceeding five months from birth.

(b) The provisions of this section shall not apply to any establishment wherein cats are kept for breeding, sale, or boarding.
(Ord. No. 635, § I, 9-15-98)