

1.15

HUMANE OFFICER (Cr. #156)

- (1) **CREATED.** The office of the Village of Nashotah Humane Officer is hereby created. The Humane Officer(s) shall perform the duties of a humane officer as described in Chapter 173, Wisconsin Statutes.
- (2) **APPOINTMENT.** One or more Humane Officer(s) shall be appointed by the Village Board by simple motion, to serve at will until terminated by the Village Board. All appointments and terminations to the position of Humane Officer shall be reported to the State of Wisconsin Department of Agriculture, Trade and Consumer Protection as required by Wisconsin Statutes Section 173.03(1).
- (3) **APPEAL OF ABATEMENT ORDERS.** The Village Board may modify or withdraw abatement orders issued by a Village Humane Officer under Wisconsin Statutes Section 173.11, upon appeal by any aggrieved party. Upon such appeal, the abatement order shall be stayed pending the decision of the Village Board.

12.05 **DOGS.** (Amd. #149)

- (1) **KEEPING OF REGULATED.** In the interest of public health, safety and welfare keeping dogs and other animals in the Village shall be regulated in order to prevent them from becoming public nuisances.
- (2) **NOT TO RUN AT LARGE.** No owner or keeper of any dog shall permit the same to run at large at any place within the Village, unless accompanied by and under his control. This shall not prohibit the owner or keeper of a dog from allowing the dog to run at large upon premises owned or occupied by the owner or keeper of the dog.
- (3) **LICENSE REQUIRED.** The owner, keeper or head of family shall annually, at the time and in the manner provided by the Wisconsin Statutes, pay a dog license fee and obtain a license for each dog over 5 months of age that is owned, harbored or kept by any member of his family.
- (4) **TO BE IMPOUNDED.** (a) The Police Department or any other officer appointed by the Village Board shall apprehend any dog running at large within the Village, except when the dog is on the premises of its owner or keeper or is accompanied by and under the control of its owner or keeper, and confine the same in a suitable dog pound.

(b) The Village Board shall from time to time appoint a qualified officer to apprehend and confine *dogs* in a pound as herein provided and such officer shall apprehend and confine herein and enforce this section, including commencing actions for the collection of any forfeitures imposed. Such action shall be brought in the name of the Village. The officer shall be paid such compensation as the village Board shall determine by resolution.

(c) The keeper of the pound shall keep a]l dogs apprehended for 7 days at the pound, unless sooner claimed by the owner or keeper, and if any dog is not claimed by the rightful owner within such time, the dog may be sold for the amount incurred in the apprehending, keeping and care of the dog or it may be destroyed in a proper and humane manner.

(d) The owner or keeper of any dog so confined may reclaim such dog at any time before the same is disposed of as herein provided and upon payment of all costs and charges incurred in the apprehension, keeping and caring of the dog. Such fees shall be \$10 for the apprehension and care of the dog if such dog is reclaimed within 24 hours of apprehension. If the dog is reclaimed at any time after 24 hours of apprehension and up to and including the 7th day, such fee shall be the actual charges submitted to the Village for the care and keeping of the animal, plus any expense of inoculations or other medical treatment of the dog. As a further condition of release, the officer shall require that before release, the owner shall, If the dog is not licensed, obtain a license from the proper Village official.
- (5) **VICIOUS DOGS.** No person shall keep a vicious dog within the Village. A showing that a dog has bitten, attacked or injured any person without provocation shall constitute a prima facie showing that such dog is vicious. The court may order a vicious dog destroyed, but in the alternative, the owner may cause such dog to be removed from the Village immediately.
- (6) **NUMBER OF DOGS.** No person shall keep more than 2 dogs over the age of 5 months upon any premises within any residential district within the Village as defined herein, except in a dog pound established under this section or a kennel authorized by the Village, and except that 3 dogs may be permitted as described in subsection (c), below
 - (a) The residential district is any part of the Village on which 2 or more residences are occupied within a distance of 1,000' of each other.
 - (b) The premises means all contiguous lands owned or occupied by the owners or tenants

(c) The Village Board may allow 3 dogs to be kept on any premises within any residential district within the Village, as follows:

1. A premises owner may petition the Village Board to request that 3 dogs be permitted on the premises.
2. Upon receipt of the petition, the Village Clerk shall schedule a public hearing before the Village Board. The Village Clerk shall send written notice to the last known address of the owners of all property adjacent to, across the street from, and within 150 feet of the subject premises, at least seven (7) days prior to the date of the hearing. All persons present at the public hearing may speak to the issue.
3. Following the public hearing, the Village Board may approve, deny, or conditionally approve the request for 3 dogs on the premises. If conditionally approved, the Village Board may impose such reasonable conditions as the Village Board deems to be appropriate.
4. Any such approval of 3 dogs on the premises may be revoked by the Village Board, as follows. Upon request of the Village Board, the Village Clerk shall schedule a public hearing before the Village Board. The Village Clerk shall send written notice to the last known address of the owners of the subject premises and of the complainant, if any, at least seven (7) days prior to the date of the hearing. All persons present at the public hearing may speak to the issue. Following the public hearing, if the Village Board finds that the dogs, or any one of them, present any nuisance, annoyance, or legitimate problem to the neighbors, to the surrounding area, or to any particular complainant, the Village Board may revoke the approval of the 3 dogs as the Board deems appropriate, or may impose additional reasonable conditions upon keeping 3 dogs. Otherwise, the approval of 3 dogs shall continue unchanged. If the approval is revoked, the premises owner shall remove one of the 3 dogs from the premises within two weeks of the revocation, and thereafter shall comply with the previously applicable 2 dog limit, unless stated otherwise in the Village Board's revocation order.

(7) **SANITATION AND NOISE.** All dogs, cats and other domestic animals kept within the Village shall be maintained in a sanitary manner and so as to prevent noise disturbances by barking, howling, fighting or in any other manner disturbing the peace and tranquility of the neighborhood. It shall be sufficient to prove a prima facie violation of the terms and provisions of this subsection if the Village Attorney shall by competent evidence establish that 2 or more residents of different households of the Village have heard a particular animal emit any kind of noise on more than one occasion and that the same is offensive to those citizens if the trier of fact is satisfied they are citizens of ordinary and reasonable sensitivity to noise.