

VILLAGE OF PEWAUKEE  
235 HICKORY STREET  
PEWAUKEE, WI 53072-3592  
Chapter 10

ANIMALS\*

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## ARTICLE I. IN GENERAL

## Sec. 10.100. State statutes adopted.

The provisions of Wis. Stats. \* 174.02(3)(a)1., 2.(b) are adopted. and made a part of this chapter by reference as though fully set forth in this section.  
(Code 1967, \* 12.08(10); Ord. No. 3361 ~ 1, .5.3-1988)

## Sec. 10.101. Exemptions.

Those persons, places and animals exempt from the provisions of Wis. Stats. ch. 174 pursuant to the provision of Wis. Stats. §~ 174.055 and 174.056 are exempt from the provisions of this chapter.  
(Ord No. 266. ~ III, 9-15-1951)

## Sec. 10.102. Restricted to certain zoning districts.

(a) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning~

Livestock includes all horses, cattle, sheep, goats, pigs or swine of any kind, mules, burros, llamas, emus, ostriches, buffaloes, and snakes.

(b) Location. No person shall keep, raise, harbor or house any livestock in or upon any property within the Village of Pewaukee unless the property is located within an area which is zoned OA agricultural or C-2 conservancy.  
(Ord. No. 263, § 1, 8-18-1981)

Cross references—Definitions and rules of construction generally, \* 1.101~ land development, ch. 40.

## Sec. 10.10~. Feeding prohibited; penalty.

(a) No person shall intentionally feed wild water fowl on any property owned by the Village of Pewaukee, or on any public right-of-way in the village.

(h) Any person who violates the provisions of this section shall be subject to Section 1.102. (Ord. No. 418, § 1, 7-5-1995)

## Sec. 10.1.04. No feeding signs posted.

The head of the department of public works is instructed to install appropriate no feeding signs.

(Ord. No. 418, \* 2, 7-5-199.5)

Cross reference—Signs, ch. 70.

Sec. 10.105. Animals and fowl not to run at large.

No person having in his possession or under his control any animal or fowl shall allow the animal or fowl to run at large within the Village of Pewaukee.

(Code 1967, § 9.21)

## ARTICLE II. DOGS

### DIVISION 1. GENERALLY

Sec. 10.106. 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

At large means to be off the premises of the owner and not under the control of a person by means of a leash securely attached to the dog or to be on the property of another without the consent of the owner or occupant of that property.

Dog means all domesticated members of the canis familiaris family, male or female.

Leash means a cord, thong or chain, not more than ten feet in length, attached to the dog and by which the dog is controlled by the person accompanying it.

License, used as an adjective, noun or verb, shall be construed and interpreted in accordance with the provisions and requirements of WI. Stats. ch. 174, and all amendatory and supplementary acts.

Officer means any official with the power and authority of an officer of the peace and any person duly authorized, by the Village of Pewaukee to act in the capacity of dog catcher for the village.

Owner means any person owning, harboring or keeping a dog, The occupant of any premises on which a dog remains or to which it

customarily returns daily for a period of ten days is presumed to be harboring or keeping the dog within the meaning of this article.

(Code 1967, § 12,08(1); Ord. No. 266, 9-15-1981)

Cross reference—Definitions and rules of construction generally, § 1.101.

Sec. 10.107. Dogs at large.

(a) No dog shall be off the premises of its owner or keeper at any time unless under the control of a person by means of a leash securely attached to such dog. It shall also be unlawful for the owner or keeper of any dog to permit the dog to go upon the property of another without the consent of the owner or occupant of that property.

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(b) Any dog at large other than as provided for in subsection (a) of this section shall be seized and impounded by any officer and shall be dealt with as provided in sections 10.113 and 10i14.

(Code 1967, § 12.08(7); Ord. No. 266, § 12.08(7), 9-15-1981)

Sec. 10.108. Disturbing the peace,

No person shall harbor a dog that barks or howls whereby the peace and quiet of the neighborhood is disturbed.

(Code 1967, § 12.08(14); Ord. No. 266, 9-15-1981)

Sec. 10.109. Dog excrement disposition..

The owner keeper or person having physical possession of a dog shall remove and properly dispose of any dog excrement deposited by the dog immediately after the dog has relieved itself, whether that animal is on private or public property. This provision does not apply to dog excrement. deposited on the private property of the owner or custodian of the dog.

(Code 1967, § 12.08(13); Ord. No. 266, 9-15-1981)

Sec. 10.110. Rabies or hydrophobia.

(a) Any person with police authority may kill a dog which he believes to be infected with the disease known as hydrophobia or rabies. Proof that the appearance or conduct of the dog was such as would have led an ordinarily prudent person to believe the dog to have been infected with that disease shall be

sufficient basis for the belief that the dog was in such diseased condition, and shall constitute an absolute defense to any action for damages or otherwise for the killing of the dog.

(b) Any person other than the owner who shall suspect that any dog in the Village of Pewaukee is infected with rabies or hydrophobia shall report his suspicion to the local police or health authorities, describing the dog and giving the name of the owner, if known; and if, upon examination by the health authorities, the dog shall prove in fact to be infected with that disease, the dog shall be killed.

(Code 1967, § 12.08(11); Ord. No. 266, 9-15-1981)

Sec. 10.111. harboring infected dogs.

No person shall knowingly harbor or keep any dog infected with hydrophobia or rabies, or any dog known to have been bitten by a dog known to have been infected with hydrophobia or rabies, or fail to report to the proper police or health authorities the existence of any dog which he knows to be infected with hydrophobia or rabies.

(Code 1967. § 12.08(12); Ord. No. 266, 9-15-1981)

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DIVISION 2 POUND

Sec. 1.0.112. Maintained by village.

The Village of Pewaukee shall maintain or contract for an enclosure for dogs seized and impounded under this article at a place and in a manner deemed adequate by the health officer, and the health officer shall inspect the premises for the purpose of maintaining proper quarters for dogs so seized and impounded. Any officer seizing and impounding any dog under the provisions of this article shall confine the dog in such enclosure.

(Code :1.967, § 12,08(6); Ord. No. 266~ 9-15-1981)

Sec. 10,113. Notice, procedure to reclaim.

When any officer shall seize and impound any dog under this article, such officer shall act under Wis. Stats. ch. 174, relating to posting of notice of seizure and impoundment; and, any owner may obtain each dog from the authorities to whom the dog has been delivered upon payment of the license fee as provided under section 10.217, the expense of keeping such dog and such other penalties as may be provided for in Wis. Stats. ch. 174; but if the dog is not reclaimed in seven days, it may be destroyed in such manner as the dog pound operator or humane officer shall direct, (Code 1967, § 12,08(8); Ord. No. 266, 9-

15-1981)

Sec. 10.114. Schedule of fees.

(a) Generally. The following schedule of charges to owners of dogs confined, impounded or destroyed under the provisions of this article are as prescribed in this section.

(b) Expense of confinement. The charge for confinement shall be the amount charged the Village of Pewaukee by the Humane Animal Welfare Society of Waukesha County, Inc., for confinement or impoundment at their facility.

(c) Recovery charge. Additional payments shall be made to the clerk-treasurer, in the amount of \$25.00, designated as a recovery charge. This fee shall, be payable upon the owner calling for and collecting the animal after it has been placed with the Humane Animal Welfare Society of Waukesha County, Inc.

(d) Payment. All such charges and fees set forth in this section shall be payable to the clerk-treasurer, who shall, upon payment, issue the proper certificate.  
(Code 1967, § 12.08(9); Ord. No. 266, 94.5.1.981)

DIVISION 3. LICENSES

Sec. 10.114. Fee.

The owner, keeper or harbinger, or head of the family shall pay the license fee on any dog owned, harbored or kept by any member of the family.  
(Code 1967, § 12.08(3); Ord. No. 266, 9-1.5.1981)

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Sec. 10.1.16. Procedure when uncollectible.

Any unlicensed dog over five months of age and any dog for which no owner can be found, or for which, if an owner is found, the fee provided in section 10.115 cannot be collected, shall be seized and shall be dealt with pursuant to the provisions of sections 10.107, 10.113 and 10.114.  
(Code 1967, § 12.08(4); Ord. No. 266, 9.1.5-1981)

Sec. 10.117. Required; fee; tag.

A license shall be necessary for any dog over five months of

age in accordance with Wis. Stats. § 174.05. F for such licenses shall be \$12 for each dog that has been spayed or neutered and \$17 for each dog that has not been spayed or neutered. In addition, a late fee in the sum of \$5.00 shall be collected by the clerk-treasurer from the owner for each license issued after April. 1. of the year for which the license is issued. Upon the payment of the required fee, the clerk-treasurer shall issue a license to the owner or keeper of such dog for the current license year, which shall expire December 31. The licensee shall securely attach the license tag to a collar and the collar, with the license tag attached, shall at all times be kept on the dog for which the license was issued.

(Code 1967, § 12.08(2); Ord. No. 383, § 1, 12-3-1991; Ord. No. 401, § 1, 7-18-1.998)

Sec. 10.118. Number of dogs limited.

(a) No more than two dogs subject to be licensed shall be kept on any premises within the Village of Pewaukee unless the owner or keeper of the dogs has obtained a permit as specified in this section.

(b) The applicant shall be the owner and or keeper of the dog and the lawful occupant, of the subject premises and shall submit a written application, to the clerk-treasurer for the permit. and the application, shall specify the premises to which the permit shall apply and the number of dogs to be kept on the premises.

(c) The subject premises shall be in a clean, sanitary and nuisance-free condition, and shall contain adequate housing facilities for the number of dogs the applicant intends to keep.

(d) The animals kept on the subject premises shall be healthy and free of disease.

(e) The permit shall not be construed to allow the existence, operation or maintenance of a commercial enterprise upon the premises, which is strictly prohibited.

(f) Prior to the issuance of a permit, an officer shall inspect the subject premises and shall file a written report with the clerk-treasurer indicating that the applicant is in compliance with subsections (b)-(d) of this section.

(g) If the applicant has complied with subsections (b)-(U) of this section, the clerk-treasurer may issue the permit to the applicant for the subject premises after collecting a fee of \$10.00; and such permit shall be issued, on an annual basis, and the permit year shall commence January 1 and shall expire December 31.

(h) There shall be no permit renewals, and. a new permit must be applied for by each applicant for each permit year.

(i) The failure of any applicant to maintain the conditions set forth in subsections (b)-(h) of this section during any permit year shall be grounds for revocation of the permit and shall be grounds for denial of any application for a permit the applicant shall make for any subsequent permit year.  
(Code 1967, § 12.03(5); Ord. No. 266, 9-15-1 981; Ord. No. 361, § 9, 9-5-1989)