

Chapter 6 ANIMALS*

***Cross references:** Environment, ch. 22.

State law references: Animals, Wis. Stats. chs. 172--174; crimes against animals, Wis. Stats. ch. 951.

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ARTICLE I. IN GENERAL

Sec. 6-1. Penalties.

- (a) Any person who violates the following sections shall, upon conviction, be subject to a forfeiture of not more than \$250.00, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with state statutes.

TABLE INSET:

Code Section	Subject
6-31	Dog running at large
6-32	Limitation on number of dogs
6-33	Barking dogs
6-51, 6-52	Licenses, dog and kennel
6-85	Vehicle accidents
6-111	Rabies control
6-112	Reporting of biting incidents
6-171--6-175	Wild or vicious animals

(b) Any person who violates the following listed sections shall, upon conviction, be subject to a forfeiture of not more than \$500.00, together with the cost of prosecution, and upon default of payment be subject to further penalties, including imprisonment in the county jail, all in accordance with state statutes.

TABLE INSET:

Code Section	Subject
6-34	Dognapping
6-81	Animals, neglected or abandoned
6-82	Providing proper food and drink to confined animals
6-83	Providing proper shelter
6-84	Cruelty
6-86	Care of horses

(Code 1982, § 9.08(3))

Secs. 6-2--6-30. Reserved.

ARTICLE II. DOGS*

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

DIVISION 1. GENERALLY

Sec. 6-31. Dog running at large.

No person owning or possessing any dog shall permit such animal to run at

large. The term "run at large" means the presence of dog at any place except upon the premises of the owner, unless it is on a leash held by a person physically able to control the animal, or unless the animal is in an automobile of a person with the consent of the owner of dog.

(Code 1982, § 9.08(2)(a))

Sec. 6-32. Limitation on number of dogs.

No person shall own, harbor or keep in his possession more than three dogs over five months of age at any one time in the town. In addition, no owner or occupant of any residential unit in the town shall permit anyone to own, harbor or keep more than three dogs over five months of age at any one residential unit within the town at any time.

(Code 1982, § 9.08(2)(b))

Sec. 6-33. Barking dogs.

- (a) *Prohibition.* It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps to the great discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood, who are of ordinary sensibilities.
- (b) *Warning.* Any adult person, alone or together with other adults, may seek relief from animals which habitually disturb the peace, by contacting the health department or other person designated by the town, setting forth the specific date and approximate time the animal of a particular owner was habitually howling, barking, yelping and disturbing the peace. The health department or other person designated by the town shall notify the owner or person having possession or control of the animal, in writing, of the alleged violation.
- (c) *Form of complaint.* If the warning given to the person alleged to be keeping an animal as set forth in subsection (b) of this section is ineffective, then a verified complaint of at least two adults, not from the same family, may be presented to the health department or other person designated by the town for commencement of prosecution to obtain compliance with this section. Such written petition shall contain the following:
 - (1) Name and address of complainant.
 - (2) Description of the animal and its location.
 - (3) Dates and times violations were noted.
 - (4) Date first reported to the health department or other person designated by the town.
 - (5) Statement that complainants would be willing to appear and testify in court.
- (d) *Notice.* The health officer or other person designated by the town shall inform the owner or person possessing or controlling the animal that a complaint has been received and may cite such person for the violation if in the town's discretion prosecution is warranted.

(Code 1982, § 9.08(2)(c))

Cross references: Noise, § 22-31 et seq.

Sec. 6-34. Dognapping.

No person may take the dog of another from one place to another without the owner's consent or cause such a dog to be confined or carried out of the town or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted in this chapter.

(Code 1982, § 9.08(2)(k))

Secs. 6-35--6-50. Reserved.

DIVISION 2. LICENSE*

***State law references:** Dog license, Wis. Stats. §§ 174.05--174.09.

Sec. 6-51. Dog licenses.

- (a) *Generally.*
- (1) A person who owns a dog, which is or will become five months of age or older during any license year, shall obtain a license for each such dog every license year by making application to the clerk-treasurer under the terms and conditions contained in this section.
 - (2) The dog license tax shall be \$10.00 for each dog, except that upon presentation of evidence showing that a female dog is spayed or a male dog is neutered, then the license tax for each such dog shall be \$5.00.
 - (3) No dog license shall be issued unless the applicant presents a valid certificate of vaccination obtained in accordance with section 6-111.
- (b) *License year.* The license year under this article commences on January 1 and ends on the following December 31.
- (c) *Late fee.* The clerk-treasurer shall, in addition to the license tax provided for in this section, assess and collect a late fee of \$5.00 for every application for a license for a dog more than five months of age, unless such application is made prior to April 1 of any calendar year or unless such application is made within 30 days of acquiring ownership or a licensable dog, or if the owner failed to obtain a license on or before the dog reached a licensable age.

(Code 1982, § 9.08(1)(a)--(c))

Sec. 6-52. Kennel license required.

- (a) No person shall maintain or operate a dog kennel in the town without obtaining a license as provided in this section. The application for a dog kennel license shall be filed in writing with the clerk-treasurer disclosing the name and address of the applicant, the location at which the proposed kennel is to be kept, the number of dogs proposed to be kept, a description of various facilities of the dog kennel, and such other information as the town board may require.
- (b) The application for a kennel license shall be accompanied by an application/license fee of \$100.00. Any person obtaining a kennel license must reapply for the kennel license on an annual basis.
- (c) By the filing of such application, the applicant shall be deemed to have consented to an inspection, prior to the issuance of such license, by the town board, a town health officer or any other town officer for the purpose of determining whether or not such license should be granted. The town board may issue or deny a license in the exercise of its discretion, having regard to the effect of the establishment of such dog kennel upon the public health, safety and welfare.
- (d) No premises shall be licensed to allow use as a dog kennel if any of the buildings or enclosed yards or portions thereof are located closer than 500 feet to the nearest adjacent lot line. No kennel shall be located on less than 24 acres of land. All buildings and dog yards from the kennel shall be enclosed in a secure woven wire fence of not less than six feet in height. Every dog kennel shall be operated and maintained in a clean and sanitary condition so as not to endanger the health, comfort, safety and welfare of the public.
- (e) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is on leash or temporarily for the purpose of hunting, breeding, trial, training or competition.

(Code 1982, § 9.08(1)(d))

Secs. 6-53--6-80. Reserved.

ARTICLE III. CARE AND CONTROL *

*State law references: Animals, Wis. Stats. ch. 95 and Wis. Stats. ch. 174.

DIVISION 1. GENERALLY

Sec. 6-81. Neglected or abandoned animals; police powers.

- (a) No person may abandon any animal.
- (b) Any law enforcement officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
- (c) If the owner or custodian is unknown and cannot with reasonable effort be ascertained, or does not within five days after notice redeem the animal by paying the expenses incurred, the animal may be treated as a stray and dealt with as such.
- (d) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery it shall be lawful for such officer to kill such animal.

(Code 1982, § 9.08(2)(e))

State law references: Care and custody of animals, Wis. Stats. § 173.13 and Wis. Stats. § 173.15.

Sec. 6-82. Providing proper food and drink to confined animals.

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

- (1) *Food.* The food shall be sufficient to maintain all animals in good health, free of contamination, wholesome and palatable.
- (2) *Water.* Adequate water shall be provided at all times.

(Code 1982, § 9.08(2)(f))

Sec. 6-83. Providing proper shelter.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

- (1) *Indoor standards.* Minimum indoor standards of shelter shall include:
 - a. *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.

- b. *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (2) *Outdoor standards.* Minimum outdoor standards of shelter shall include:
- a. *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this subsection, the term "caged" does not include farm fencing used to confine farm animals.
 - b. *Shelter from inclement weather.*
 - 1. *Animals generally.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - 2. *Dogs.* If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (3) *Space standards.* Minimum space requirements for both indoor and outdoor enclosures shall include:
- a. *Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - b. *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (4) *Sanitation standards.* Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards. Such enclosures shall be free of standing water and mud.

(Code 1982, § 9.08(2)(g))

Sec. 6-84. Cruelty.

- (a) *Cruelty generally.* No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse an animal, or by any act, or omission or neglect cause or inflict any unnecessary or unjustifiable pain, suffering, injuries or death to any animal, whether such animal belongs to such person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the humane society for proper disposal.
- (b) *Use of poisonous and controlled substances.* No person may expose any domestic animal owned by another to any known poisonous substance, any

controlled substance included in schedule I, II, III, IV or V of Wis. Stats. ch. 961 or any controlled substance analog of a controlled substance included in schedule I or II of Wis. Stats. ch. 961, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.

- (c) *Use of certain devices prohibited.* No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle burr, tack burr or like device, or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed, nails, tacks or other sharp points.
- (d) *Shooting at caged or staked animals.* No person may instigate, promote, aid or abet, as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a manmade enclosure, regardless of size.
- (e) *Leading an animal from a motor vehicle.* No person shall lead any animal upon a highway from a motor vehicle, or from a trailer or a semitrailer drawn by a motor vehicle.

(Code 1982, § 9.08(2)(h))

State law references: Crimes against animals, Wis. Stats. ch. 951.

Sec. 6-85. Vehicle accidents.

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other domestic animal which appears to be a pet shall immediately notify the police department or an animal control agency whose jurisdiction extends into the town.

(Code 1982, § 9.08(2)(l))

Cross references: Traffic and vehicles, ch. 50.

Sec. 6-86. Care of horses.

- (a) *Responsibility.* The owner of a horse shall be responsible at all times for the care and welfare of such horse.
- (b) *Shade in pastures.* All horses kept in pastures without access to barn facilities during the months of April to October, inclusive, shall have access to an area shaded from direct sunlight.
- (c) *Barns.* The stalls wherein horses are kept shall be kept reasonably clean. An adequate supply of bedding of straw or comparable material shall be kept in the

stalls at all times.

- (d) *Food and water.* Proper feed of an adequate amount and adequate water shall be provided to horses at all times. When the usual water supply becomes frozen, water shall be provided to horses twice a day in such amounts as will permit each horse to drink his fill.
- (e) *Defects.* A horse adjudged by a law enforcement officer, or other person designated by the town board, to be sick, lame or injured shall not be used for work or recreation.

(Code 1982, § 9.08(2)(m))

Secs. 6-87--6-110. Reserved.

DIVISION 2. RABIES CONTROL*

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

Sec. 6-111. Vaccination required.

- (a) The owner of a dog shall have such animal vaccinated against rabies by a veterinarian within 30 days after the animal reaches four months of age and revaccinated within one year after the initial vaccination. The owner shall further have any such animal revaccinated against rabies by a veterinarian before the date any such immunization expires, as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.
- (b) Unless otherwise exempted in this chapter, it shall be unlawful to own, harbor or keep any dog which does not carry a vaccination.

(Code 1982, § 9.08(2)(i))

Sec. 6-112. Report of biting incidents.

- (a) Anyone having knowledge or reason to believe that any animal in the town has bitten a person shall report within 24 hours, so far as is known, the name and address of the owner of the animal and circumstances of such bite. Such report shall be made to the clerk-treasurer, who shall communicate this information to the health department, sheriff's department or other applicable agency.
- (b) Whenever any domesticated animal has bitten a person, it shall be confined in such place as the health officer, or other person designated by the town board, may direct and for such period of observation as in his judgment may be necessary, unless such animal is too vicious and dangerous to be impounded safely, in which case it may be killed and the head shipped to the state laboratory of hygiene for rabies examination.
- (c) Whenever a wild animal has bitten a person, it shall be killed, avoiding damage to the head (brain) area, and shipped to the state laboratory of hygiene under

refrigeration, but not frozen, for rabies examination.

(Code 1982, § 9.08(2)(j))

Secs. 6-113--6-140. Reserved.

ARTICLE IV. POTBELLIED PIGS

Sec. 6-141. License required.

No person shall own, harbor or keep a potbellied pig, also know as "Vietnamese pig," in the town unless he shall obtain a license for such animal as provided in this article.

(Code 1982, § 12.20A(1))

Sec. 6-142. License.

Any person who owns, harbors or keeps a potbellied pig in the town, which pig is five months of age or older, shall obtain a license for such pig by applying therefor to the clerk-treasurer.

(Code 1982, § 12.20A(2))

Sec. 6-143. License fee.

Any applicant for a license for a potbellied pig shall pay an annual license fee of \$10.00.

(Code 1982, § 12.20A(3))

Sec. 6-144. Requirements.

- (a) No license shall be issued under this article unless the applicant presents certification or other evidence that the potbellied pig has been spayed or neutered.
- (b) No license shall be issued under this article unless the applicant presents certification or other evidence that the potbellied pig is not in excess of 22 inches in height nor weighs over 100 pounds.

(Code 1982, § 12.20A(4))

Sec. 6-145. Exception.

No license shall be required under this article as to potbellied pigs, which are raised as a part of an agricultural business or operation and for agricultural purposes on lands zoned for such purposes.

(Code 1982, § 12.20A(5))

Secs. 6-146--6-170. Reserved.

ARTICLE V. WILD OR VICIOUS ANIMALS

Sec. 6-171. Definitions.

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

Pit bull means any Pit Bull Terrier, which shall be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Bull Terrier.

Vicious animal means any animal which has, more than once in one year, attacked or bitten one or more persons or which has behaved in such a manner that the owner or custodian of such animal knows or should have reasonably known that the animal has tendencies to attack or bite persons.

Wild animal means any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

(Code 1982, § 9.08(2)(d)(1))

Cross references: Definitions generally, § 1-2.

Sec. 6-172. Display or exhibition prohibited; exceptions; keeping wild animal as pet prohibited.

No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses. No person shall keep or permit to be kept any wild animal as a pet.

(Code 1982, § 9.08(2)(d)(2))

Sec. 6-173. Temporary permit for care of infant native animal.

The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area, which has been deemed to be homeless.

(Code 1982, § 9.08(2)(d)(3))

Sec. 6-174. Harboring vicious animal prohibited; seizure or destruction of animal off the premises of its owner.

It shall be unlawful for any person to harbor or keep a vicious animal within the town. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and, upon establishment to the satisfaction of any court

of competent jurisdiction of the vicious character of such animal, it may be killed by a police officer or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence, or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

(Code 1982, § 9.08(2)(d)(4))

Sec. 6-175. Pit bull, wolf-dog hybrid or coyote-dog hybrid.

No person shall keep or permit to be kept on his premises any pit bull, wolf-dog hybrid or coyote-dog hybrid, which was not currently registered and licensed by the town as of July 8, 1996.

(Code 1982, § 9.08(2)(d)(5))