

CHAPTER 6 ANIMALS

ARTICLE I. IN GENERAL

Sec. 6-1. State statutes adopted.

The rules and regulations pertaining to licensing, specifically Wis. Stats. §§ 174.001(2m), 174.05, 174.054, 174.055 and 174.07, together with any future additions, deletions or supplements thereto, are incorporated as part of this chapter and shall be enforced with the same force and effect as though set forth in full in this chapter.

Providing, however, that where such rules and regulations are less stringent than other provisions found in this chapter, the provision of this chapter shall apply.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-2. 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 mammals, reptiles and birds.

At large means to be off the property of the owner or caretaker and not under restraint. A dog, cat, fowl, or Vietnamese potbellied pig/micro pig within an automobile, or in an automobile of any other persons with the consent of the owner of said animal, shall be deemed to be upon the owner's property.

Bodily harm means bodily injury including, but not limited to, a bruise, abrasion, scratch, bite mark, puncture, laceration, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.

Caretaker means any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat, fowl, Vietnamese potbellied pig/micro pig or any other domesticated bird or animal.

Confined means restriction of an animal at all times by the owner to an escape-proof building, vehicle or other enclosure.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death. Additionally, it shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's property.

Dangerous animal means any of the following:

- (a) Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
- (b) Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without provocation, upon the streets, sidewalks or any public grounds or on private property of another without the permission of the owner or person in lawful control of the property.
- (c) Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic animals.

Domestic animal means any animal which is normally considered tame or domesticated and suitable for home life with humans.

Dwelling unit means a building or portion thereof designed to be used exclusively for residential purposes.

Farm animal means any warm-blooded animal normally raised on farms in the United States and raised for food or fiber.

Kennel means any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.

Law enforcement officer has that meaning as appears in Wis. Stats. § 967.02(5), and includes a humane officer under Wis. Stats. § ~~58.07~~173.03(3), but does not include a conservation warden appointed under Wis. Stats. § 23.10.

Licensing authority means the political body authorized to issue animal licenses.

Molest means excessive barking, squealing, running up to or charging, threatening, jumping on or otherwise harassing people or other domestic animals or the passing public that are in the public right-of-way or on public property, or on their own property or property of anyone other than the owner or custodian of the animal.

Owner means any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its caretaker or who knowingly permits an animal to remain on or about ~~his~~their premises/property for five or more consecutive days.

Pet means any animal kept and treated as a pet.

Pet store means any retail establishment in a commercially zoned building whose business includes the sale of live animals.

Prohibited dangerous animal means any of the following:

- (a) Any animal that, while off the owner's or custodian's property, has killed a domesticated animal without provocation.
- (b) Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
- (c) Any animal brought from another city, village, or county that has been declared dangerous or vicious by that jurisdiction.
- (d) Any dog that is subject to being destroyed under Wis. Stats. § 174.02(3).
- (e) Any dog trained, owned or harbored for the purpose of dog fighting.

Public nuisance animal means any animal which:

- (a) Habitually pursues any vehicle or passerby upon any public street, alley or highway in the village.
- (b) Molests people, domestic animals, or passing vehicles.
- (c) Attacks persons or domestic animals without provocation when such persons or domestic animals are peacefully conducting themselves in a place where they are lawfully entitled to be.
- (d) Is at large on school grounds, parks or cemeteries.
- (e) Is repeatedly at large.
- (f) Damages private or public property.
- (g) Barks, whines, howls or squeals in an excessive, or continuous or untimely fashion.
- (h) Does not have the current vaccination as required by section 6-~~36~~41.

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- (i) Is the subject of section 6-5.
 - (j) Is the subject of repeated violations under this chapter.

Restraint means that the animal is secured by a leash or lead, and under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner or caretaker.

Render sterile refers to a surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring. The term includes neutering and spaying.

Serious bodily harm means bodily harm which causes death, creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury requiring medical care or treatment.

Unrestrained animal is any animal not subject to restraint by the owner or lawful custodian.

Veterinary hospital or clinic means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.

Wild animal means any nonhuman primate, raccoon, skunk, fox, wolf, or any animal which is in part of the *canis lupis* species, any animal raised for fur-bearing purposes or any other animal or hybrid thereof which can normally be found in the wild state, or poisonous reptiles, crocodilians and any other snake or reptile exceeding three feet in length.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-3. Keeping of fowls.

- (a) No person shall keep or harbor any chickens, doves or other fowl or build, erect or maintain and use any chicken coop or yard, dove cote or other building or yard to keep or house any chickens, doves or other fowl anywhere within the village without registering the name and address of the owner and the approximate number of chickens, doves or other fowl to be kept by such owner with the zoning administrator or planner. The total number of chickens, doves or other fowl shall not exceed four per premises. This section does not apply to properties zoned General Agricultural [AG] as indicated in the Harrison Zoning Ordinance.
- (b) All chicken coops and yards, dove cotes and other buildings or yards wherein any domestic animals are contained shall be kept in a clean, sanitary condition and free from all objectionable odors and shall be subject to the inspection and approval of the zoning administrator or planner. Approval shall be given upon a showing that such facilities are clean, in sanitary condition and free from all objectionable odors.
- (c) Chicken coops and yards, dove cotes and other buildings or yards permitted under this section shall be limited to the keeping of up to a total of ~~four~~six chickens, doves, poultry or fowl per property, and shall be subject to the following conditions:
 - (1) The principal use of the property where a chicken coop and yards, dove cotes and other buildings or yards may be permitted is limited to single-family dwellings.
 - (2) No person shall keep any rooster.
 - (3) No person shall slaughter any chickens, doves, poultry or fowl.
 - (4) The chickens, doves, poultry or fowl shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
 - (5) No enclosure shall be located closer than 35 feet to any residential structure on an adjacent lot and shall not exceed ~~25-30~~ square feet for an inside coop and no more than 60 square feet run unless permitted as an accessory building.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-4. Keeping of bees.

- (a) Except on parcels zoned agricultural, it shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the village unless the bees are kept in accordance with the following provisions:
 - (1) No hive, stand or box where bees are kept shall be located closer than ten feet to any property boundary.
 - (2) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial. Bees shall not be kept in a front yard area.
 - (3) Fresh, clean watering facilities for bees shall be provided on the said premises.
 - (4) The bees and equipment shall be kept in accordance with the provisions of the state statutes.
- (b) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school building for the purpose of study or observation. This section does apply to properties zoned General Agricultural [AG] as indicated in the Harrison Zoning Ordinance.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-5. Rabies quarantine.

- (a) Dogs, cats, or Vietnamese potbellied pigs/micro pigs confined. If an area is quarantined for rabies, all dogs, cats, or Vietnamese potbellied pigs/micro pigs within the village shall be kept securely confined, tied, leashed or muzzled. Any dog, cat, or Vietnamese potbellied pig/micro pig not confined, tied, leashed or muzzled is declared a public nuisance animal and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The village clerk shall promptly post in at least three public places in the village notices of quarantine.
- (b) Exemption of vaccinated dog from village quarantine. A dog which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the village quarantine provisions of subsection (a) of this section if a rabies vaccination tag or substitute tag is attached to the dog's collar.
- (c) If any dog for which the owner holds a current rabies certificate is involved in a bite or scratch incident, the owner shall quarantine and confine the animal under the supervision of a licensed veterinarian for at least ten days from the date of the incident. The animal shall not be allowed to come in contact with other animals or people during the period of confinement. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the tenth day, and on one intervening day.
- (d) Any dog, cat, or Vietnamese potbellied pig/micro pig involved in a bite or scratch incident that has not been vaccinated or has not been revaccinated within the prescribed times must be confined at a veterinary hospital or a place designated by the police department.
- (e) The owner of any dog, cat, or Vietnamese potbellied pig/micro pig involved in a bite or scratch incident is responsible for any expenses incurred.

(Ord. No. V15-01, 2-24-2015)

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(Supp. No. 2, Update 1)

Sec. 6-6. Restriction on keeping of animals.

- (a) General restrictions. It shall be unlawful for any person within the village to own, harbor or keep any animal which has been determined to be a public nuisance as defined in section 6-2 or allow the animal to run at large in the village as determined in sections 6-30 through 6-34.
- (b) The owner or custodian of any animal shall confine, restrain or maintain control over the animal so that the unprovoked animal does not run at large, attack, molest, or cause bodily harm to any person or domesticated animal.
- (c) All owners and custodians shall exercise proper care and control of their animals under their ownership, possession, or custody to prevent them from becoming a public nuisance animal.
- (d) Every female dog or cat in heat shall be confined in a building or secure enclosure, or otherwise restrained, in such a manner that such female dog or cat cannot come into contact with another unneutered male of the same species, except for planned breeding.
- (e) Owner's liability for damage caused by dogs; penalties. The provision of Wis. Stats. § 174.02, relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-7. Impoundment of animals.

- (a) Unrestrained and nuisance animals shall be taken by authorized village enforcement officer or county law enforcement officer and impounded in a temporary or permanent animal shelter and there confined in a humane manner.
- (b) When an animal has become a public nuisance animal and its owner or custodian cannot be contacted at the time of the complaint, it may be impounded by village enforcement officer or county law enforcement officer after an attempt to contact the owner or custodian is unsuccessful. After impoundment, reasonable attempts shall be made to contact the owner.
- (c) An owner or custodian reclaiming an impounded animal shall pay the accrued impoundment fee and comply with provisions of sections ~~6-35-40~~ through ~~6-38-43~~.
- (d) Any animal not reclaimed by its owner or custodian within seven days becomes the property of the local government authority or humane society and shall be placed for adoption in a suitable home, or if a prohibited dangerous animal, humanely euthanized in lieu of placement for adoption.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-8. Report of animal bites and scratches.

All incidents occurring in the village in which any animal bites or scratches a person or another animal, or is suspected of such, shall immediately be reported to the calumet county sheriff department by any person having knowledge of such incident. If the bite or scratch is caused by an animal for which there is no rabies vaccine or known quarantine, the animal, at the discretion of the county sheriff department, may be euthanized and analyzed for rabies with all expenses incurred being the responsibility of the owner.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-9. Animal feces.

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This section shall not apply to a person who is visually or physically handicapped.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-10. Injury to property by animals.

It shall be unlawful for any person owning or possessing an animal, dog, cat, or Vietnamese potbellied pig/micro pig to permit such animal, dog, cat, or Vietnamese potbellied pig/micro pig to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-11. Barking dogs, crying cats, or squealing pigs.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, any cat which habitually cries or howls, or any Vietnamese potbellied pig/micro pig which habitually squeals 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. Such animals are hereby declared to be a public nuisance. A dog, cat, or Vietnamese potbellied pig/micro pig is considered to be in violation of this section when two formal, written complaints are filed with the village board within a four week period.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-12. Prohibited wild animals and restricted species.

- (a) No person shall keep or permit to be kept any wild animal as a pet.
- (b) Wild and non-domesticated animals; prohibition on keeping. Except for state-licensed game farms located in properly zoned areas, it shall be unlawful for any person to keep, maintain or have in his-their possession or under his-their control within the village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his-their possession or under his-their control within the village any of the following animals, reptiles or insects:
 - (1) All poisonous animals and reptiles including rear-fang snakes.
 - (2) Apes; chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
 - (3) Baboons (Papio, Mandrillus).
 - (4) Bears (Ursidae).
 - (5) Cheetahs (Acinonyx jubatus).
 - (6) Crocodilians (Crocodilia).

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- (7) Constrictor snakes.
 - (8) Coyotes (*Canis latrans*).
 - (9) Game cocks and other fighting birds.
 - (10) Hyenas (*Hyaenidae*).
 - (11) Jaguars (*Panthera onca*).
 - (12) Leopards (*Panthera pardus*).
 - (13) Lions (*Panthera leo*).
 - (14) Lynxes (*Lynx*).
 - (15) Ostriches (*Struthio*).
 - (16) Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
 - (17) Sharks (class *Chondrichthyes*).
 - (18) Snow leopards (*Panthera uncia*).
 - (19) Tigers (*Panthera tigris*).
 - (20) Poisonous insects and arachnids.
 - (21) Wolves or any dog which is part wolf (*Canis lupis*).
- (c) No person shall exhibit or permit to be kept on their premises or any public place any wild animal for display or exhibition purposes, whether gratuitously or for a fee.
 - (d) The prohibitions in subsection (c) of this section do not apply when the creatures are in the care, custody or control of a veterinarian for treatment or pet shops.
 - (e) Public or private educational institutions, nonprofit organizations, itinerant or transient carnivals, circuses or other theatrical performances may seek, from the health officer and the village board, a limited exemption from this section provided the display will be of limited duration and meet any other requirements or conditions mandated by the health officer and the location complies with provisions of the Zoning Ordinance. The person or organization having custody and control of any animal permitted by this section shall be responsible for compliance with all other provisions of this chapter while the animal remains within the village limits.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-13. Providing proper food and drink to confined animals.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-14. Providing proper shelter.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as necessary for the animal to maintain good health. 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.

(a) Indoor standards. Minimum indoor standards of shelter shall include:

- (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
- (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(b) Outdoor standards. Minimum outdoor standards of shelter shall include:

- (1) 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.
- (2) Shelter from inclement weather.
 - a. 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.
 - b. 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.

(c) Space standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

- (1) 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.
- (2) 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.

(d) 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.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-15. Neglected, abandoned and injured animals.

(a) Neglected or abandoned animals.

- (1) No person may abandon any animal.
- (2) Any law enforcement or humane officer may remove, shelter and care for an 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.

- (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within seven days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- (4) 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 and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

- (5) Wis. Stats. § 173.10, Investigation of Cruelty Complaints, and Wis. Stats. § 173.24, ~~Expenses of Investigation~~Reimbursement for Expenses, are hereby adopted by reference and made a part of this chapter.

- (b) *Injured animals.* No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the village or any animal control agency with whom the village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-16. Cruelty to animals and birds prohibited.

- (a) *Acts of cruelty prohibited.* No person except a law enforcement officer or health or humane officer in the pursuit of ~~his~~their duties shall, within the village, shoot or kill or commit an act of cruelty to any animal or bird.
- (b) *Leading animal from motor vehicle.* No person shall lead any animal upon a village street from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle.
- (c) *Use of poisonous and controlled substances.* No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Wis. Stats. § ~~161.14~~961.01, whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection shall not apply to poison used on ones' own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) *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 bur, tack bur 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.
- (e) *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.

(Ord. No. V15-01, 2-24-2015)

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(Supp. No. 2, Update 1)

Sec. 6-17. Trapping of animals.

- (a) This section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (b) All such traps set, placed or tended shall comply with Wis. Stats. ch. 29 (Wis. Stats. § 29.301 et seq.) as they relate to trapping.
- (c) This section shall not apply to trapping within the confines of buildings or homes.
- (d) Nothing in this section shall prohibit or hinder the village or its employees or agents from performing their official duties.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-18. Limitation on number of animals.

No person or household shall keep more than any of the following: three dogs, two rabbits, two Vietnamese potbellied pigs/micro pigs, on any village lot, land parcel, home or dwelling unit if in a multiple dwelling unit, with the exception of a litter of pups or kittens, which may be kept for a period of time not to exceed five months from birth. This section does not apply to premises holding a valid kennel license.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-19. Procedure for declaring an animal as a dangerous animal.

- (a) Upon conducting an investigation a law enforcement officer may issue an order declaring an animal to be a dangerous animal. Whenever an owner or custodian wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the village clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the village board to be reviewed at the next regular meeting. The village board shall act as a quasi-judicial body allowing the animal's owner or custodian an opportunity to present evidence as to why the animal should not be declared dangerous.
- (b) After the hearing, the owner or custodian shall be notified in writing of the village board's determination. If the village board upholds the determination that the animal is dangerous, the owner or custodian shall comply with the requirements of section 6-20. If the owner or custodian further contests the determination, he or she may, within seven days of receiving the village board's decision, seek review of the decision by the circuit court.
- (c) Upon an animal being declared dangerous, the owner or custodian shall immediately comply with leashing, muzzling and confinement requirements of section 6-20 with all other requirements in that section being satisfied within 30 days of the dangerous declaration or reaffirmation thereof, or within such time as established by the village board.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-20. Harboring dangerous animals.

- (a) *Dangerous animals regulated.*

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- (1) No person may harbor or keep a dangerous animal within the village unless all provisions of this section are complied with. Any animal that is determined to be a prohibited dangerous animal under this division shall not be kept or harbored in the village.
- (2) The issuance of a summons for a violation of this section need not be predicated on a determination that an animal is a dangerous animal.
- (b) *Registration.* The owner of any animal declared dangerous, shall register it with the village clerk and Calumet County Sheriff Department upon disposition, and annually thereafter on or before April 1 of each year, by providing a current color photograph of the animal, payment of a registration fee as determined in Fee and Penalty Schedule, reference this code section, and proof of liability insurance as outlined in subsection (g).
- (c) *Leash and muzzle.*
- (1) No owner or custodian, harboring or having the care of a dangerous animal may permit such an animal to go outside its dwelling, kennel or pen unless the animal is securely restrained with a leash no longer than five feet in length.
- (2) No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its dwelling, kennel or pen unless a person who is 16 years of age or older, competent to govern the animal and capable of physically controlling and restraining the animal, is in physical control of the leash.
- (3) A dangerous animal may be securely leashed or chained to an immovable object, with the owner or custodian being in the physical presence of the animal at all times when it is so leashed or chained.
- (4) A dangerous animal outside of the animal's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.
- (d) *Confinement.*
- (1) Except when leashed and muzzled, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or custodian and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.
- (2) When constructed in a yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this paragraph. The pen or kennel shall be childproof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences (at least two feet) shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two feet. All structures erected to house dangerous animals shall comply with all village zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (3) *Indoor confinement.* No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or custodian that would allow the animal to exit the building on its own volition. No dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- (e) *Signs.* The owner or custodian of a dangerous animal shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than two inches high warning that there is a dangerous animal on the property. A similar sign is required to be posted on the kennel or pen of the animal.

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In addition, the owner or custodian shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

- (f) *Spay and neuter requirement.* Within 30 days after an animal has been designated dangerous, the owner or custodian of the animal shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.
- (g) *Liability insurance.* The owner or custodian of a dangerous animal shall present to the village clerk and Calumet County Sheriff Department a certificate of insurance that the owner or custodian has procured liability insurance in an amount not less than \$1,000,000.00 for any personal injuries inflicted by the dangerous animal. Whenever such policy is cancelled or not renewed, the insurer and animal's owner or custodian shall notify the village clerk and Calumet County Sheriff Department of such cancellation or non renewal in writing by certified mail.
- (h) *Waiver by village board.* Upon request, by the owner or custodian, the village board may waive any requirement specified in subsections (a) through (g) that is deemed to be inappropriate for a particular dangerous animal.
- (i) *Notification.* The owner or custodian shall notify the village clerk and Calumet County Sheriff Department within 24 hours if a dangerous animal is at large, is unconfined, has attacked another animal, has attacked a human being or has died. No person may sell or transfer possession of a dangerous animal to another person without first notifying the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal and of any requirements imposed upon the selling or transferring party by this division. No person may sell or transfer possession of a dangerous animal to another person, agency, organization or the like without first notifying the village clerk and Calumet County Sheriff Department in writing, at least three days in advance of the sale or transfer of possession with the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the village, the owner or custodian shall present evidence to the village clerk and Calumet County Sheriff Department showing that he or she has notified the police department, or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner of the dangerous animal.
- (j) *Euthanasia.* If the owner or custodian of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the animal in accordance with this section, he or she may have the animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.
- (k) *Waiver.* The village board may waive the provisions of subsections (b) through (g) for a law enforcement or military animal upon presentation by the animal's owner or handler of satisfactory arrangement for safe keeping of the animal.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-21. Certain animals not to be declared dangerous or prohibited dangerous.

Notwithstanding the definition of a dangerous animal or prohibited dangerous animal in section 6-2:

- (a) No animal may be declared dangerous or prohibited dangerous if death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land with criminal intent or criminal trespass on the dwelling upon the premises occupied by the owner or custodian of the animal; was teasing, tormenting, abusing or assaulting the animal; or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.

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(Supp. No. 2, Update 1)

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- (b) No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
 - (c) No animal may be declared dangerous or prohibited dangerous for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-22. Prohibited Dangerous Animals/declaration, Destruction, And Enforcement.

- (a) *Not allowed in village.* No person may bring into or keep in the village any animal that is a prohibited dangerous animal under this section.
- (b) *Declaration of a prohibited dangerous animal.*
 - (1) A law enforcement official may declare an animal to be a prohibited dangerous animal whenever the law enforcement official finds that an animal meets the definition of prohibited dangerous animal or is a dangerous animal in noncompliance with any of the provisions of section 6-20.
 - (2) Upon conducting an investigation and finding an animal meets the definition of a prohibited dangerous animal, the law enforcement official may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or custodian wishes to contest an order, he or she shall, within 72 hours after receipt of the order, deliver to the village clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the village board to be reviewed at the next regular meeting. The village board shall act as a quasi-judicial body allowing the animal's owner or custodian an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.
 - (3) Pending the outcome of the hearing, the animal may be confined subject to Wis. Stats. § 173.21, or held at a location outside the limits of the village.
 - (4) After the hearing, the owner or custodian shall be notified in writing of the village board's determination. If a determination is made that the animal is a prohibited dangerous animal, the owner or custodian shall comply with subsection (a) within five days after the date of the determination. If the owner or custodian further contests the determination, he or she may, within five days of receiving the village board's decision, seek review of the decision by the circuit court.
- (c) *Destruction.* Any dog that has caused bodily harm to a person, persons or a domestic animal on two separate occasions off the owner's premises, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under Wis. Stats. § 174.02(3). The village attorney may petition an appropriate court to obtain a court order to destroy such a dog.
- (d) *Enforcement.* The Calumet County Sheriff Department may make whatever inquiry is deemed necessary to ensure compliance with this section.
- (e) *Waiver.* The village board may waive the provisions of this section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

(Ord. No. V15-01, 2-24-2015)

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(Supp. No. 2, Update 1)

Sec. 6-23. Breeding or possession of animals for research or experimentation prohibited.

- (a) No natural person, corporation, limited liability company, partnership, trust, or other legal entity shall maintain or operate any place or premises within the village where animals are used as one of the primary purposes of medical, surgical, or chemical investigation, experimentation, testing, or demonstration.
- (b) No natural person, corporation, limited liability company, partnership, trust, or other legal entity shall maintain or operate any place or premises within the village where animals are bred, raised, or possessed, sold, or offered for sale for the purpose of sending the animals outside the village for the purpose of medical, surgical, or chemical investigation, experimentation, testing, or demonstration.
- (c) Nothing in this section shall be interpreted to limit the ability of the owner of an animal residing in the village to enroll their pet animal in clinical trials of a medical or other form of rehabilitation nature which may provide benefit to the animal.
- (d) Places, premises, and operations prohibited by this section are declared to be public nuisances greatly offending public morals and decency, having a negative effect on the physical and psychological health and general welfare of the residents of the village, as well as the health and humane welfare of animals subjected to the purposes prohibited by this section. Accordingly, violations of any section of this ordinance are hereby deemed a public nuisance coming within the definition of village ordinance section 28-19.

Sec. 6-~~23~~24. Penalty.

- (a) Any person who violates this chapter, or Wis. Stats. ch. 174, shall be subject to a forfeiture in accordance with the Fee and Penalty Schedule, reference section 1-7(c)(1) for the first offense and reference section 1-7(c)(2) for any subsequent offenses. This section shall also permit the village attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining the person from violating any aspects of this chapter.
- (b) Each day a violation occurs will constitute a separate occurrence. Each animal shall be considered a separate violation.
- (c) This section shall also permit the village attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining the person from violating any aspects of this chapter or to affirmatively order conditions of confinement or destruction.

(Ord. No. V15-01, 2-24-2015)

Secs. 6-~~24~~25—6-29. Reserved.

ARTICLE II. RUNNING AT LARGE¹

¹State law reference(s)—Dogs running at large, Wis. Stats. §§ 59.54(20), 60.23(30), 174.01 and 174.042.

Sec. 6-30. Running at large.

It shall be unlawful for any person owning, keeping or harboring any animal to permit such animal to run at large within the limits of the village.

(Ord. No. 6, § 1, 6-8-1976; Ord. No. V15-01, 2-24-2015)

Sec. 6-31. Definition and exclusions.

Under the provisions of this article, an animal shall be considered as running at large when it is not on the premises of its owner, keeper, or harboring, unless it is within the immediate presence of such owner, keeper or harboring, or his servant. Working farm dogs, while so working, are excluded from this article.

(Ord. No. 6, § 2, 6-8-1976; Ord. No. V15-01, 2-24-2015)

Sec. 6-32. Implementation and enforcement.

The enforcement of this article shall be carried out by any village enforcement officer or county law enforcement officer. If the identity and ownership of the animal at large can be readily ascertained, the village enforcement officer or county law enforcement officer may forthwith notify and advise such owner of ~~his~~their animal's transgressions. This shall not limit the authority of any village enforcement officer or county law enforcement officer to impound said animal pursuant to section 6-33, nor limit the authority of any village enforcement officer or county law enforcement officer to summarily destroy said animal pursuant to section 6-34.

(Ord. No. 6, § 3, 6-8-1976; Ord. No. V15-01, 2-24-2015)

Sec. 6-33. Impoundment and notice.

Any village enforcement officer or county law enforcement officer is hereby authorized to impound any animal running at large within the village. Said impoundment may be at the county humane society or such other place as said village enforcement officer or county law enforcement officer may determine adequate for impoundment of animals. If the person who owns, keeps or harbors the offending animal. in violation of the provisions of this article, can be readily ascertained, the village enforcement officer or county law enforcement officer who has impounded said animal shall immediately notify said person, by United States mail, that said animal has been impounded. Said animal shall be impounded for three days and any owner, keeper or harboring redeeming said animal shall pay to the village clerk for the costs of said impoundment. Should said animal not be redeemed within three days of seizure, then, and in that case, said animal shall be humanely disposed of. If the person owning, keeping or harboring said offending animal cannot be ascertained, then, and in that case, the village constable impounding said animal shall post a dated, written notice of said impoundment, describing the animal and its place of apprehension, within 48 hours after said seizure. Such notice shall be posted in three public places in the village, one of which shall be on the door of the village hall. Said animal shall be impounded for five days and any owner, keeper or harboring redeeming said animal shall pay to the village clerk for the costs of said impoundment. Should said animal not be redeemed within five days of the posting of said notice, Sundays excepted, then, and in that case, said animal shall be humanely disposed of. Redemption of animals shall not limit the authority of any village enforcement officer or county law enforcement officer to cause the prosecution of such owner, keeper or harboring as herein provided. The costs of impoundment shall be established by the village board, from time to time, and made available for public examination in the office of the village clerk.

(Ord. No. 6, § 4, 6-8-1976; Ord. No. V15-01, 2-24-2015)

Sec. 6-34. Summary disposal.

Any animal found running at large in the village is hereby declared a public nuisance and any village enforcement officer or county law enforcement officer is hereby authorized and empowered to kill and destroy such animal in a summary manner.

(Ord. No. 6, § 5, 6-8-1976; Ord. No. V15-01, 2-24-2015)

Secs. 6-35—6-39. Reserved.**ARTICLE III. LICENSING OF DOGS****Sec. 6-40. Dog licenses required.**

It shall be unlawful for any person in the village to own, harbor or keep any dog of more than five months of age after April 1 of the license year without complying with the provisions of this chapter relating to the listing, licensing and tagging of the same.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-41. Rabies vaccination required for license.

- (a) *Rabies vaccination.* The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the village after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is brought into the village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).
- (b) *Tag to be attached.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during completion or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under subsection (a) of this section.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-42. Issuance of dog and kennel licenses.

- (a) *Dog licenses.*
 - (1) It shall be unlawful for any person in the village to own, harbor or keep any dog more than five months of age without complying with the provisions of Wis. Stats. §§ 174.05 through 174.10, relating to the listing, licensing and tagging of the same.
 - (2) The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay a license fee and obtain a license.

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- (3) The minimum license tax required under this section shall be established by Wis. Stats. § 174.05(2). Such fee shall be as set forth in Appendix A, Fee and Penalty Schedule, reference this code section.
 - (4) Upon payment of the required license fee and upon presentation of evidence that the dog is currently immunized against rabies, as required by section 6-40, the village shall complete and issue to the owner a license for such dog containing all information required by state law. The village shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
 - (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in section 6-41(b).
 - (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any village enforcement officer or county law enforcement officer or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

(b) *Kennel licenses.*

- (1) Any person who keeps or operates a kennel may, instead of the license fee for each dog required by this chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license fee established by Wis. Stats. § 174.053(1). Kennels may only be located in a General Agricultural [AG] or ~~Community Commercial [CC]~~ Rural Residential [RR] zoning district pursuant to the village zoning regulations.
- (2) The term "kennel" means any establishment wherein or whereon four or more dogs are kept, and/or is engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling of dogs and cats.
- (3) Persons wishing to apply for a kennel license shall:
 - (a) Complete an application with the village clerk and pay the appropriate, nonrefundable kennel license fee to the clerk. The fee paid will cover the cost for the individual animals for the year covered by the license. The village clerk may charge a prorated fee for the license if the time covered by the license will be less than one calendar year.
 - (b) The completed and paid license application shall then be brought to the village building inspector where an appointment will be made to inspect the described property on the application.
 - (c) Upon completion of the inspection, the applicant shall be advised if they have passed or failed inspection.
 - (d) If inspection is completed and the property has passed inspection, the property owner shall be given a date to appear before the village board, if desired for the hearing on the permit application. The board shall then either approve or reject the application based upon the presented information at that meeting.
 - (e) If inspection failed, the property owner shall be given a reasonable time period in which to make necessary corrections in order to pass inspection. If the property owner fails to pass the inspection on the second attempt, the fee paid shall be forfeited and the application shall be rejected. Any future applications for inspection shall be started from the beginning, and a new fee will be required to start the process over.
 - (f) Both successful and rejected applications will be presented to the village board at the next appropriate board meeting and the property owner may appear at that meeting to present their side of the matter to the board. The village board may then either approve or deny the permit based on the information presented at the meeting.

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(g) If the application is approved, the license will be good until the expiration date on the license application.

- (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or abandons said dogs. ~~The village board~~ Law enforcement or other designated official shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon ~~his~~ their own initiative. Expressly incorporated by reference in this section as minimum standards for kennel keepers or operators are the relevant provisions of Wis. Stats. ch. 948.

(Ord. No. V15-01, 2-24-2015)

Sec. 6-43. Late fees.

The village treasurer shall assess and collect a late fee from every owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee. The amount of the late fee shall be stated in the Harrison Fee Schedule established by the village board, which may be amended from time to time, and made available for public examination in the office of the village clerk.

(Ord. No. V15-01, 2-24-2015)