

Chapter 10

ANIMALS*

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ARTICLE I. ANIMAL CONTROL AND LICENSING

Sec. 10.100. Purpose and intent.

The purpose of this ordinance is to promote health, safety and general welfare of animals and the people around them by requiring animals be cared for in such a manner that they will not become a public nuisance, requiring animals be properly fed, sheltered and cared for, requiring the removal of animal defecation from public property and to ensure licensing and rabies vaccination of all dogs and cats within the village.

(Ord. of 8-8-2008)

Sec. 10.101. State code adopted.

All of the provisions of Wis. Stats. ch. 172, as amended, are hereby incorporated by reference into this chapter with the same force and effect as if fully set forth in this chapter.

(Code 1982, § 6.12(2); Ord. of 8-8-2008)

Sec. 10.102. Construction and application.

This chapter shall not be interpreted as covering any law regulating the trapping of animals, the use of live animals in dog trials or in training of hunting dogs, or the slaughter of animals by persons acting under state and federal law, or taking of animals through hunting or fishing as permitted by law.

(Ord. of 8-8-2008)

Sec. 10.103. 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:

Adult dog means a dog over four (4) months of age.

American Kennel Club (AKC) means a not-for-profit organization established in 1884, which maintains a purebred dog registry, sanctions dog events, and promotes responsible dog ownership. The AKC records the parentage of over 1 million dogs and sponsors more than 15,000 dog events annually. The core value of AKC is to promote and support the human/canine bond.

Animal means any live vertebrate or invertebrate creature either domestic or wild, except a human being.

Animal, dangerous means any animal that is declared to be dangerous by the humane officer after a temperament test has been conducted on the animal or as defined by Section 10.201 of these Ordinances.

Animal fancier means any person who owns or keeps, within or adjoining private residence, four to ten dogs or five to ten cats for personal and noncommercial purposes, which are limited to hunting, tracking, exhibition in dog shows, obedience trials, field trials, dog sledding, animal foster rescue or to enhance or perpetuate a given breed, and who has secured a license for such activity in accordance with the provisions of this title.

Animal shelter, public means a facility operated by a humane society, or a governmental agency or its authorized agents for the purpose of impounding or caring for animals.

Animal Welfare Act means federal animal welfare regulations as adopted by the United States Department of Agriculture.

Animal, wild or exotic means apes, coyotes, foxes, wolves, bears, cougars, lynx, bobcats, wild boars, cheetahs, jaguars, lions, tigers, leopards, panthers, ocelots, monkeys, elephants or other similar animals as determined by the humane officer.

At large means to be off the premises of the owner and not under the control of some person, either by leash or otherwise, but a dog or cat within an automobile of its owner or in an automobile of any other person with the consent of the dog's or cat's owner, shall be deemed to be upon the owner's premises.

Breed means a domestic race of dogs (selected and maintained by humans) with a common gene pool and a characterized appearance and function.

Breeder means any person who is breeding purebred dogs or cats in an attempt to improve the breed through controlled propagation, thus achieving carefully desired qualities and traits. Except that the owner of dogs or cats held solely for stud does not qualify as a canine and feline breeder. Under AKC rules, the breeder is the owner, or the lessee, of the dam on the date of a mating that results in a litter. (See Sec. 10.123. Animal Fanciers)

Cat means a domesticated animal of the feline type (*Felis domesticus*), except for a feral cat.

Cat, altered means a cat which has been certified in writing by a veterinarian as being nonreproductive.

Cat, feral means a cat without owner identification of any kind whose usual and consistent temperament is extreme fear and resistance to contact with people. A feral cat is unsocialized to people.

Cat, unlicensed means a cat for which a required license fee has not been paid, or to which the license tag required by this chapter is not attached.

Circus means a commercial variety show featuring animal acts for public entertainment.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable pain, injury or death to an animal.

Commercial Animal Establishment shall mean any pet shop, grooming shop or boarding kennel and shall exclude any city pound, humane society, animal shelter or veterinary facility.

Dam, means the female parent of a dog.

Dog means a domesticated animal of the canine type (*Canis familiaris*); young animals (puppies) of this type are considered dogs. It shall not include any animal which is in whole or in part of the *canis lupus* or wolf species.

Dog, altered means a dog which has been certified in writing by a veterinarian as being nonreproductive.

Dog, service means any dog individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, minimal protection work, rescue work, pulling a wheelchair or fetching dropped items.

Dog, unlicensed means a dog for which a required license fee has not been paid, or to which the license tag required by this chapter is not attached.

Foster parent, animal means a person who provides temporary care for kittens, puppies, cats and dogs in their homes for 6 months or less at a time. Animals which are in temporary foster care are not required to be licensed.

Grooming shop means a commercial establishment where animals are bathed, clipped or otherwise groomed.

Humane officer or animal control officer means any person designated by the village to enforce State Statutes, adopted by reference, and local ordinances as they pertain to animal control.

Kennel means a facility where dogs, cats or other animals are kept for 24 hours or more for boarding, training or similar purposes for compensation. This does not include animal shelters or a facility owned or operated by a veterinarian where animals are boarded only in conjunction with the provision of veterinary care.

Litter means the puppy or puppies resulting from a mating.

Owner means any individual, partnership or corporation that has the right of property in an animal or who keeps, harbors, cares for or acts as its custodian or who knowingly permits an animal to remain on or about or return to his/her property/premises for five or more consecutive days is presumed to be harboring or keeping the animal within the meaning of this article.

Permanent animal exhibition means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are perpetual in nature and in a stationary location.

Person means and includes all natural persons and any firm, sole proprietorship, limited liability corporation (LLC), partnership, corporation, trust and any association of persons, government agency or political subdivision.

Pet means an animal kept for pleasure rather than utility, which may/may not be susceptible to rabies.

Pet shop means any person, sole proprietorship, limited liability corporation (LLC), partnership or corporation, whether operated separately or in connection with another business enterprise, except for a kennel, that buys, gives away, sells or takes on consignment any species of animal.

Purebred means a dog whose sire and dam belong to the same breed and who are of unmixed descent since recognition of the breed.

Sire means the male parent of a dog.

Temperament testing means evaluating an individual dog's temperament through a series of tests that measure traits including stability, confidence, shyness, friendliness, aggressiveness, protectiveness, prey instincts, play drive, and self-defense instincts, and the ability to distinguish between threatening and nonthreatening situations.

Transient animal exhibition means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are traveling shows of a temporary duration.

Veterinarian has the meaning as defined in Wisconsin Administrative Code, ATCP 13.

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

(Ord. of 9-16-1985, § 1(1), Ord. of 8-8-2008)

Cross References--Definitions generally, § 1.101.

Sec. 10.104. Mistreating animals

No person may treat any animal, whether belonging to themselves or another, in a cruel manner. Section 174.13, Wisconsin Statutes, is hereby adopted. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices. (See also Sec. 10.103 of this chapter.)

(Ord. of 8-8-2008)

Sec. 10.105 Care of Dogs and domesticated animals.

All dogs and domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises such as barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No domestic animal shall be abandoned or turned loose by its owner. No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death.

(Ord. of 8-8-2008)

Sec. 10.106. Taking without owner's consent.

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

(Ord. of 8-8-2008)

Sec. 10.107. Leading animal from motor vehicle.

No person shall pull or lead any animal upon a village street by attaching the animal by a leash, rope, or other device to a motor vehicle or a trailer or semitrailer drawn by a motor vehicle.

(Ord. of 8-8-2008)

Sec. 10.108. Transportation of animals.

No person may transport any animal in or upon any vehicle in a cruel manner. Prima facie evidence of a violation of this section shall be that an animal was left in or upon a vehicle for more than thirty minutes, during which period the ambient air temperature as reported at the Wausau U.S. Flight Service Station was above seventy-five degrees Fahrenheit, unless attended by a human being who has attained the age of at least ten years. (See also Sec. 10.118 of this chapter.)

(Ord. of 8-8-2008)

Sec. 10.109. 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 Section 961.14, Wisconsin Statutes, 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 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 used in accepted veterinary practice or in research by persons or organizations regularly engaged in such research.

(Ord. of 8-8-2008)

Sec. 10.110. 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; 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.

(Ord. of 8-8-2008)

Sec. 10.111. Instigating fights between animals.

(a) No person may instigate, promote, finance, aid or abet as a principal, agent, employee or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for a cockfight, dog fight, bullfight or other fight between the same or different kinds of animals or between an animal and a person. This section does not prohibit events or exhibitions commonly featured at rodeos or bloodless bullfights.

(b) No person may own, possess, keep or train any animal with the intent that the animal be engaged in an exhibition of fighting.

(Ord. of 8-8-2008)

Sec. 10.112. 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. of 8-8-2008)

Sec. 10.113. Sale of baby rabbits, chicks and other fowl.

(a) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.

(b) No retailer, as defined in Section 100.30 (2) (e), Wisconsin Statutes, may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two months of age, in any quantity less than six, unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

(Ord. of 8-8-2008)

Sec. 10.114. Sale of artificially colored animals.

No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

(Ord. of 8-8-2008)

Sec. 10.115. Number of dogs and cats limited.

(a) The keeping of a large number of dogs or cats poses health, safety and public welfare risks and is deemed a public nuisance.

(b) *Cats.* Unless the property owner holds a valid kennel license, valid breeder license or a valid animal fancier license, no individual or family unit living together, firm or corporation shall keep more than the following number of cats over the age of four (4) months on any parcel zoned the following:

Zoning District	Number of Cats Allowed
R5	2 per lot
RTF, R3, R4	4 per unit
R1, R2, RE, SR, RR, AG	4

(c) *Dogs.* Unless the property owner holds a valid kennel license, valid breeder license, or a valid animal fancier license no individual or family unit living together, firm or corporation shall keep more than the following number of dogs over the age of four (4) months on any parcel zoned the following:

Zoning District	Number of Dogs Allowed
R3, R4, R5	2 per unit
RTF	3 per unit
R1, R2, RE, SR, RR, AG	3
Single family home in an R3 or Commercial District (legal non-conforming use)	3

(d) *Grandfather clause.*

- (1) Any person who owned, possessed, kept or harbored dogs and/or cats on or before the effective date of this Ordinance in excess of the above allowed number of dogs and/or cats shall be permitted to continue ownership or possession as long as they meet all the requirements set forth under State and Federal Law in addition to those set forth in this Ordinance.
- (2) Anyone whose animals fall under the grandfather clause shall obtain license for the animals within sixty days of the effective date of this ordinance.
 - i. Any person who successfully obtains license within sixty days of the adoption of this Ordinance shall be permitted to hold, keep, harbor or maintain the number of animals that person had as of the date of the adoption of this Ordinance but shall not be permitted to increase the number of animals. Following death of the licensed animal, the property owner shall not acquire more animals until they have brought the number of animals down to legal limits through attrition.
 - ii. Any person who has not successfully obtained license for their animal within sixty days of the adoption of this Ordinance shall forfeit the right to keep the animal under the grandfather clause and be deemed to unlawfully possess the animal.

(Ord. of 9-16-1985, § 1(7), Ord. of 8-8-2008)

Sec. 10.116. Restriction on animals other than dogs and cats.

(a) *Number.* No person shall keep more than three domestic animals, other than dogs or cats, to include rabbits, gerbils, hamsters, guinea pigs, rats or other similar pets, more than two months old on any premises at any place or in any one residence located within the village limits, except in an area zoned for commercial use or in an area zoned for rural residential or agricultural use.

(b) *Location and Restraint Required.* It is unlawful for any person to keep or maintain any yard for the housing of small animals, except dogs and cats, closer than one hundred feet to the nearest portion of any building occupied by or in anywise used by human beings, other than the dwelling occupied by the owner or keeper of the animals, or closer than twenty-five feet to the property line of the lot on which such animals are kept for sale within a bona fide produce market, commission house or store for purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals are kept for purposes of research in a laboratory. Animals so kept or maintained shall be enclosed, with screening or other similar material, on all sides and shall not be allowed to run or fly at large except for homing pigeons.

(c) *Odors.* Every yard establishment shall be kept so that no offensive, disagreeable or noxious smell or odor shall arise there from to the injury, annoyance or inconvenience of any inhabitant of the neighborhood.

(d) *Disposal of Manure.* Every yard establishment shall be provided with a watertight and fly tight receptacle for manure, of such dimension as to contain all accumulations thereof, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Such receptacle shall be securely covered at all times except when open during the deposit or removal of manure or refuse there from. No manure shall be allowed to accumulate except in such receptacle. All such manure, when removed from the receptacle, shall be buried with covering of not less than six inches of earth, or if used as fertilizer, thoroughly spaded into the ground, or shall be removed from the property.

(Ord. of 8-8-2008)

Sec. 10.117. Providing proper food and drink.

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:

(a) *Food.* The food shall be sufficient to maintain all animals in good health.

(b) *Water.* If potable water is not accessible to the animals at all times, it shall be provided daily in sufficient quantity for the health of the animal.

(Ord. of 8-8-2008)

Sec. 10.118. 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.

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

- (1) Ambient temperatures shall be compatible with the health of the animal.
- (2) Ventilation for 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 subdivision, "caged" does not include farm fencing used to confine farm animals.

(2) *Shelter from Inclement Weather.*

- i. *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
- ii. *Dogs.* If a dog is tied or confined unattended outdoors, a moisture proof and windproof 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 daily cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards and odors.

(Ord. of 8-8-2008)

Sec. 10.119. Abandonment of domestic animals.

(a) No person shall transport any domestic animal into the village for the purpose of

abandoning the animal, and no person shall abandon any domestic animal within the corporate limits of the village.

(b) Any humane officer or police officer may remove, shelter, and care for any animal found to be cruelly exposed to 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. This section shall not preclude any common-law right the keeper may have to recover the cost of distraintment from the owner.

(c) If the owner or custodian is unknown and cannot with reasonable effort be ascertained or does not within five (5) days after notice redeem the animal by paying the expense incurred, it may be treated as a stray and dealt with as such.

(d) This section shall not be interpreted as lengthening the holding time required of any animal control agency, such as described in section 10.136 of this chapter.

(Code 1982, §6.11, Ord. of 8-8-2008)

Sec. 10.120. Vaccination (Rabies control).

(a) “Vaccination against rabies” means the inoculation of a dog or cat (hereinafter “pet”) with a rabies vaccine licensed by the U.S.D.A. Such vaccination shall be performed by a veterinarian or veterinarian technician duly licensed to practice in the state.

(b) *Rabies Vaccination Required.* Every dog and cat shall be vaccinated by a veterinarian within thirty days after they have reached four months of age, and shall be revaccinated within one year after the initial vaccination. Every pet obtained or brought into the village that is over four months of age, shall be vaccinated within thirty days, unless the pet is currently vaccinated, as evidenced by a current certificate of rabies vaccination from this state or another state or a veterinarian certifies that, to a reasonable medical certainty, such vaccination would be harmful to the pet. The certification shall be upon a form provided by the village clerk, and shall be dated within the preceding twelve months. A license may be issued for pets so certified. The owner of every vaccinated pet shall have the pet revaccinated before the immunization expiration date stated on the vaccination certificate, or within three years, if a three-year vaccine was used or no date is specified on the vaccination certificate.

(c) *Duties of Veterinarian.*

(1) *Certificate and Tag.* At the time of vaccination, each veterinarian will complete a certificate indicating the following:

- i. Name and address of owner,
- ii. name, sex, spayed or unspayed, neutered or unneutered, color and breed of pet,
- iii. rabies tag number issued,
- iv. type of vaccine administered, its manufacturer and serial number,
- v. the date the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services,
- vi. name of the city, village, or town where the pet is to be licensed.

(2) The veterinarian shall keep one copy of the certificate on file until the date that the immunization expires or until the pet is revaccinated, whichever occurs first; one copy shall be given to the owner, who shall display it when purchasing a pet license. A durable tag shall be given the owner, who shall attach it to the pet's collar and a collar with a tag attached shall be kept on the pet at all times, except if the pet is securely confined indoors. The number on the collar shall match the number on the certificate. The tag shall also list the veterinarian's address and phone number and year of vaccination.

(d) Quarantine or Sacrifice of Pet or Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.

(1) A dog or cat which is currently immunized against rabies as evidenced by a valid certificate of rabies vaccination suspected of being in contact with a rabid animal or infected with rabies or accused of biting a person shall be quarantined for ten days on the owner's property. The animal shall be examined by a veterinarian within twenty-four hours of the reported bite/exposure and on the last day of isolation and on one intervening day. An unvaccinated dog or cat shall be impounded at the Marathon County Humane Society for a period of ten days, if the owner can be located. If no owner is located, the dog or cat shall be humanely destroyed in a manner which avoids damage to the animal's head by a veterinarian or the Marathon County Humane Society and shipped to the Wisconsin State Laboratory of Hygiene for rabies testing in accordance with §95.21(6), Wisconsin Statutes.

(2) Any animal, domestic or wild, other than a dog or cat, that is suspected of having rabies and is believed to have bitten a person, shall be humanely destroyed in a manner which avoids damage to the animal's head by a

veterinarian or the Marathon County Humane Society and shipped to the Wisconsin State Laboratory of Hygiene for rabies testing in accordance with §95.21(6), Wisconsin Statutes.

- (3) *Veterinary examination during quarantine.* All dogs and cats, vaccinated or unvaccinated, and under quarantine for biting a person shall be examined by a veterinarian within twenty-four hours. Confinement shall be ten days with a reexamination on the tenth day and on one intervening day for vaccinated pets. If the veterinarian certifies that the pet has manifested no signs of rabies, the quarantine shall end at the end of the ten-day observation period. If rabies is suspected upon reexamination, the pet shall be humanely destroyed in a manner which avoids damage to the animal's head by the veterinarian or the Marathon County Humane Society and shipped for rabies testing in accordance with §95.21(6), Wisconsin Statutes. The veterinarian shall notify any person, or their physician, which the animal is suspected of biting that the animal is suspected of having rabies.
- (4) The Everest Metro Police Department and the Marathon County Health Department shall be notified of all animal bites within twenty-four hours of their occurrence.
- (5) *Duty of owner in case of dog bite.* Every owner or person harboring or keeping a dog, who knows that such dog has bitten any person, shall immediately report such fact to the Everest Metro Police Department and the Marathon County Health Department and shall keep such dog confined for not less than 14 days or for such period of time as the Marathon County Health Department health officer or Marathon County Humane Society Humane Officer shall direct. The owner or keeper of any such dog shall surrender the dog to the health officer, humane officer or to a village police officer upon demand for examination.
- (6) *Responsibility for quarantine and laboratory expenses.* The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, pursuant to §95.21(8), Wisconsin Statutes, the county is responsible for these expenses.
- (7) Animals bitten or scratched by a known or suspected rabid animal:
 - i. Unvaccinated animals:
 1. Should be destroyed immediately;
 2. If the owner is unwilling to destroy their cat or dog, the pet must be kept in isolation in an escape-proof enclosure, under

veterinary supervision, for one hundred eighty days. The owner shall have the pet vaccinated one hundred fifty-five to one hundred sixty-five days after exposure, with veterinary approval.

- ii. Vaccinated pets:
 - 1. Should be revaccinated as soon as possible after exposure and leashed or confined for sixty days.

(8) *Impoundment of pets without a valid rabies vaccination tag.*

- i. Any pet found off the owner's premises and not wearing a valid rabies vaccination tag shall be impounded. All impounded pets shall be given proper care and maintenance.
- ii. Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the humane society as public notification of impoundment. Any unvaccinated pet may be reclaimed by its owners during the period of impoundment by payment of prescribed humane society fees and complying with rabies vaccination requirements of this chapter within seventy-two hours of release. Any vaccinated pet impounded because of lack of rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.
- iii. Every dog or cat four months of age and older shall be licensed only upon proof of rabies vaccination in accordance with the provisions of this section.
- iv. Notwithstanding all of the above, no pet need be vaccinated against rabies where a veterinarian certifies that, to a reasonable medical certainty, such vaccination would be fatal to the pet. The certification shall be upon a form provided by the village clerk, and shall be dated within the preceding twelve months. A license may be issued for pets so certified. Pets so certified shall nonetheless be subject to the provisions for quarantine and confinement of pets which have not received rabies shots.

Sec. 10.121. Licenses required.

(a) Each owner of a dog or cat more than four months of age on January 1 of any year, or four months of age within the license year, shall annually, or on or before the date the dog or cat becomes four months of age, at the time and in the manner provided by law for the payment of property taxes, pay their dog or cat license fee and obtain a

license therefore. No such license shall be issued without proof of compliance with the rabies control section of this chapter. The provisions of this section do not apply to:

- (1) Dogs and/or cats whose owners are nonresidents and these animals are only temporarily visiting a residence or commercial establishment located within the village;
- (2) Dogs and/or cats brought into the village for the purposes of participating in animal shows;
- (3) Dogs and/or cats in temporary foster care of a licensed Animal Fancier.
- (4) Dogs and/or cats kept only for educational or scientific purposes.

(b) The license fees are provided for in the village fee schedule for the following:

- (1) Neutered/Spayed dogs
- (2) Unneutered/Unspayed dogs
- (3) Neutered/Spayed cats
- (4) Unneutered/Unspayed cats

(c) A license will be one-half of the amounts set out in subsection (b) of this section if the dog or cat becomes four months of age after July 1 of the license year.

(d) Beginning April 1, 2009, a late fee of double the regular license fee in addition to the required license fee shall be collected from every owner of a dog or cat four months of age or over. If the owner failed to obtain a license prior to April 1 of each year, or within thirty days of acquiring ownership of a licensable dog or cat, or if the owner failed to obtain a license on or before the date the dog or cat reached licensable age.

(Ord. of 9-16-1985, §1(2), Ord. of 8-8-2008)

Sec. 10.122. Kennels.

(a) *Definition.* A kennel is a facility where dogs, cats or other animals are kept for 24 hours or more for boarding, training or similar purposes for compensation. This does not include animal shelters or a facility owned or operated by a veterinarian where animals are boarded only in conjunction with the provision of veterinary care.

(b) *License required.*

- (1) It shall be unlawful to operate a kennel in the village without first obtaining a license pursuant to this chapter.
- (2) Any person who keeps or operates a kennel shall apply to the village for a license for the keeping or operating of such kennel. Each kennel location

operated shall be considered a separate enterprise and each enterprise shall have a license.

- (3) A license will be issued and will remain valid as long as the applicant or establishment holding the license or applying for the license complies with all laws and regulations pertaining to the issuance of licenses and pays the required fees.
- (4) A license fee shall be paid for the license year for such kennel. Prior to issuance of such license by the village and annually thereafter, the premises shall be inspected by the humane officer to insure that the premises complies with the provisions of this chapter.
- (5) A license is valid for 12 months and may be renewed in accordance to (3) and (4) of this subsection.
- (6) The license shall be prominently displayed on the premises of the licensed kennel.
- (7) The application for a license must contain a statement that the applicant agrees to comply with the standards set forth herein, agrees to allow inspections by humane officers or law enforcement officers of animals and the premises, and a statement whether the applicant has ever been convicted of cruelty to animals.
- (8) If the kennel also sells animals for compensation on the premise a separate commercial animal establishment license is required. (See Sec. 10.124 Commercial Animal Establishment).
- (9) No license to operate a kennel shall be issued to any person who has been convicted of cruelty to animals.
- (10) Licenses issued on the basis of false information supplied by the applicant shall be revoked and operation of the subject kennel shall be terminated upon revocation of the license.

(c) Application and fee.

- (1) Each person requiring a license under this section shall complete an application form furnished by the village and shall file the completed application with the village clerk.
- (2) The application forms furnished by the village under this section shall require the following information and such additional information as the village may deem necessary:

- (3) Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance.
- (4) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn, and stretch out to its full length.
- (5) The floor and walls of any room in which animals are kept shall be covered with impervious, smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
- (6) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent-proof containers.
- (7) Water: There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over, and be removable for cleaning.
- (8) Feeding: Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same.
- (9) All animals must be fed and watered according to the accepted procedure for that species and cages cleaned every day.
- (10) Shade Required: Shade from the direct rays of the sun shall be provided for all animals.
- (11) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds have returned to their owners. Parrots and other large birds shall have separate cages from smaller birds.

(g) *Term of license.* Licenses issued under this subsection shall expire annually on June 30.

(h) *Inspection.*

- (1) Humane officers shall be permitted to inspect all kennels and animals therein at any time during the business hours of the establishment or at other reasonable times established in this section.

- (2) All reports of such inspections shall be made in writing and maintained by the humane officer and the Marathon County Humane Society.
- (3) Humane officers are authorized to enter the structure or premises wherein a kennel regulated under this chapter is maintained (or believed to be maintained) at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures.
- (4) If the owner or those in possession of a structure or premises wherein a kennel regulated under this chapter is maintained (or believed to be maintained) refuse inspection of said kennel, the humane officer may obtain an inspection warrant from Marathon County Circuit Court or the municipal court in order to determine if the kennel is maintained in accordance with village ordinances.
- (5) Refusal to permit inspection shall result in immediate revocation of license to operate a kennel. The humane officer shall give the licensee notice of this action. The licensee may request a hearing before the village board with regards to the revocation; such request must be made in writing, to the village clerk, within 10 days from the refusal to inspect.
- (6) In the event that the humane officers find the kennel in violation of the Animal Welfare Act and/or any section of this chapter, the kennel shall have a 30 day grace period to correct the violation.
- (7) Nothing in this section shall inhibit a humane officer from requesting the search and/or seizure of any premises from a court of competent jurisdiction.

(i) *Violations.* Licensees will be allowed 30 days, following written notification of any violations of this subsection or any subsection of this chapter by the humane officer or their designee, to correct any violations. Failure to correct these violations shall result in immediate revocation of the license by the village board.

(j) *Appeal; Denial or Revocation of a License.*

- (1) Any person who is denied a license or whose license is revoked may appeal the denial or revocation to the Zoning Board of Appeals within 60 days of the date of the denial or revocation of the license.
- (2) All requests for appeals must be in writing and addressed to the Clerk; whereupon, the Clerk shall set the appeal for hearing within 45 days of the receipt of the written request.

(Ord. of 8-8-2008)

Sec. 10.123. Animal Fanciers.

(a) An animal fancier is any person who owns or keeps, when accessory to an established residential use, four (4) to ten (10) cats and/or dogs for personal and noncommercial purposes, which includes but is not limited to hunting, tracking, exhibition in shows, obedience trials, field trials, dog sledding, animal foster rescue or to enhance or perpetuate a given breed, and other uses determined by the humane officers to be similar in nature.

(b) *License required.* An Animal Fancier License is issued to an animal fancier on an annual basis for the keeping of four (4) to ten (10) cats and/or dogs pursuant to the regulations of this section.

(c) *Application and fee.*

- (1) Each person requiring a license under this section shall complete an application form furnished by the village and shall file the completed application with the village clerk.
- (2) The application forms furnished by the village under this section shall require the following information and such additional information as the village may deem necessary:
 - i. The address, parcel square footage and zoning classification of the subject premises;
 - ii. A list of the animals to be kept on the subject premises, including the breed and age of each dog;
 - iii. The purpose of obtaining the license.
 - iv. If applicable, documentation for any animals currently used for exhibition in shows, obedience trials or field trials.
 - v. If applicable, documentation that the property owner is an animal foster parent with a valid Foster Animal Rescue Program. The humane officer shall be authorized to make the determination that a Foster Animal Rescue Program is valid.
 - vi. A plot plan showing the location of any dog runs or structures used to house the dogs.
- (3) The fee to be paid to the village for a license under this section shall be established in the village fee schedule.

(d) *Grant or denial of permit; Notice.*

- (1) Following review and approval by the Humane Officer, the plan commission shall review the application and shall make a recommendation to the Board of Trustees whether to grant or deny the license.
- (2) The plan commission may, but is not required to hold a hearing before deciding whether to recommend to the village board to grant or deny a license under this section. If the plan commission chooses to hold a hearing, a copy of the notice of the meeting at which the hearing will be held shall be mailed to the owners of property within 300 feet of the applicant's property and the owners of the property immediately across the street at least 14 days prior to the hearing.
- (3) If the plan commission does not hold a public hearing on the license application, a copy of the meeting notice at which the application will be acted upon shall be mailed to the owners of property within 300 feet of the applicant's property and the owners of property immediately across the street at least 7 days before the meeting.
- (4) The village board, after receiving a recommendation from the plan commission, shall vote to grant or deny the license. In addition to the operational plans of subsection (f) below, the plan commission or board may impose additional conditions on the grant of any license under this section; and failure to comply with such conditions may be cause for revocation of the license.

(e) *Limitations.*

- (1) There shall be no more than one animal fancier license issued to any qualified property.
- (2) No person in a multiple family dwelling (RTF, R3, R4 or R5) shall be granted an animal fancier license unless approved by the animal control officer.

(f) *Operation.*

- (1) All animals kept or maintained on a premise under an animal fancier license issued under this section must also be duly licensed by the village, except animals that are in temporary foster care are not required to be licensed.
- (2) All animals shall be owned by the license holder or the occupant of the residence, except animals that are in temporary foster care.

- (3) All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
- (4) The quarters in which animals are kept shall be maintained per Sec. 10.118 of this chapter.
- (5) Feces and odorous materials shall be removed from yards, pens, and enclosures at least once daily and such material shall be stored in tightly covered metal containers until final disposal.
- (6) The premises and the animals shall be kept free of insect infestation.
- (7) All animal pens or enclosures shall be sufficiently large to permit freedom of movement to the animals.

(g) *Term of license.* License issued under this subsection shall expire annually on December 31.

(h) *Inspection.* Any person accepting a license under this section thereby agrees to allow inspections by the humane office or their designee or representative of those parts of the premises where animals are kept. Such inspections shall be made following five days written notice between the hours of 8:00 a.m. and 8:00 p.m. unless a written complaint has been submitted to the humane officer or the village, signed by an owner or occupant of an adjoining property alleging that violations occur between 8:00 p.m. and 8:00 a.m.

(i) *Violations.* License holders will be allowed 10 days, following written notification of any violations of this subsection or any subsection of this chapter by the humane officer or their designee, to correct any violations. Failure to correct these violations shall result in immediate revocation of the license by the village board.

(j) *Appeal; Denial or Revocation of a License.*

- (1) Any person who is denied a license or whose license is revoked may appeal the denial or revocation to the Zoning Board of Appeals within 60 days of the date of the denial or revocation of the license.
- (2) All requests for appeals must be in writing and addressed to the Clerk; whereupon, the Clerk shall set the appeal for hearing within 45 days of the receipt of the written request.

(Ord. of 8-8-2008)

Sec. 10.124. Commercial Animal Establishment.

(a) *License required.*

- (1) Any person who keeps or operates a commercial animal establishment shall apply to the village for a license for the keeping or operating of such commercial animal establishment. Each establishment operated shall be considered a separate enterprise and each enterprise shall have a license.
- (2) A license will be issued and will remain valid as long as the applicant or establishment holding the license or applying for the license complies with all laws and regulations pertaining to the issuance of licenses and pays the required fees.
- (3) A license fee shall be paid for the license year for such establishment. Prior to issuance of such license by the village and annually thereafter, the premises shall be inspected by the humane officer to insure that the premises complies with the provisions of this chapter.
- (4) A license issued under this subsection shall expire annually on June 30 and may be renewed in accordance to (2) of this subsection.
- (5) The license shall be prominently displayed on the premises of the licensed establishment.
- (6) The application for a license must contain a statement that the applicant agrees to comply with the standards set forth herein, agrees to allow inspections by humane officers or law enforcement officers of animals and the premises, and a statement whether the applicant has ever been convicted of cruelty to animals.
- (7) If the commercial animal establishment also conducts boarding of animals for compensation on the premise a separate kennel license is required. (See Sec. 10.122 Kennels).
- (8) No license to operate commercial animal establishment shall be issued to any person who has been convicted of cruelty to animals.
- (9) Licenses issued on the basis of false information supplied by the applicant shall be revoked and operation of the subject commercial animal establishment shall be terminated upon revocation of the license.

(b) *License fees.* The license fees are provided for in the village fee schedule for the following:

- (1) Fees for non-municipal animal shelters/sanctuaries:
- (2) Fees for circus' and transient animal exhibitions:

(3) Fees for pet shops:

(4) Fees for any other commercial animal establishments:

(c) *Exemptions.*

(1) Municipal animal shelters shall be exempt from all licenses.

(2) Veterinary hospitals shall be exempt from all license fees unless engaged in commercial breeding and/or boarding, excluding hospitalization.

(3) Groomers shall be exempt from license fees unless engaged in commercial boarding and/or breeding. (See Sec. 10.122. Kennels)

(4) Boarding Kennels licensed under Sec. 10.122. Kennels.

(d) *Animal health.* Each holder shall take reasonable care to release for sale, trade, or adoption only those animals which are free of disease, injuries, or abnormalities. The humane officer may request an examination by a veterinarian. The following shall deem an animal unfit for sale or release:

(1) Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar disease.

(2) Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.

(3) Obvious signs of severe parasitism - extreme enough to be influencing general health.

(4) Obvious fractures or congenital abnormalities affecting general health of animal.

(e) *Operational standards.* All commercial animal establishments shall comply with the following standards:

(1) All animals, birds, or fish shall be displayed in a healthy condition or, if ill, removed from display and shall be given appropriate treatment immediately.

(2) All animals shall be quartered, and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.

(3) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.

- (4) Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance.
 - (5) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn, and stretch out to its full length.
 - (6) The floor and walls of any room in which animals are kept shall be covered with impervious, smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
 - (7) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent-proof containers.
 - (8) Water: There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over, and be removable for cleaning.
 - (9) Feeding: Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same.
 - (10) All animals must be fed and watered according to the accepted procedure for that species and cages cleaned every day.
 - (11) Fish: The water temperature shall be maintained at a temperature that is healthful.
 - (12) Shade Required: Shade from the direct rays of the sun shall be provided for all animals.
 - (13) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.
- (f) *Inspection of animals and premises.*
- (1) Humane officers shall be permitted to inspect all commercial animal establishments and animals therein at any time during the business hours of the establishment or at other reasonable times established in this section.

- (2) All reports of such inspections shall be made in writing and maintained by the humane officer and the Marathon County Humane Society.
- (3) Humane officers are authorized to enter the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) at reasonable times to inspect, subject to constitutional restrictions on unreasonable searches and seizures.
- (4) If the owner or those in possession of a structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) refuse inspection of said establishment, the humane officer may obtain an inspection warrant from Marathon County Circuit Court or the municipal court in order to determine if the establishment is maintained in accordance with county ordinances.
- (5) Refusal to permit inspection shall result in immediate revocation of license to operate a commercial animal establishment. The humane officer shall give the licensee notice of this action. The licensee may request a hearing before the village board with regards to the revocation; such request must be made in writing, to the village clerk, within 10 days from the refusal to inspect.
- (6) In the event that the humane officers finds the commercial animal establishment in violation of the Animal Welfare Act and/or any section of this chapter, the commercial animal establishment shall have a 30 day grace period to correct the violation.
- (7) Nothing in this section shall inhibit a humane officer from requesting the search and/or seizure of any premises from a court of competent jurisdiction.

(g) Selling/transfer of animals.

- (1) It is the duty of the seller to ensure that all animals sold or otherwise transferred are healthy, parasite free, and current with regard to vaccinations at the time of sale or transfer. No animal with disease, injury, or lacking required vaccinations will be sold or transferred without full disclosure to the buyer.
- (2) Dogs or cats under the age of 8 weeks shall not be sold or transferred.
- (3) Records of all sales or adoptions of animals shall be maintained by the seller for a period of two (2 years). Records will include the date of the transaction, species and breed, date of birth, sex, color and description of the animal, and the name and address and telephone number of the

purchaser or adopter. Records shall be available on request to any humane officer.

- (4) Any violation of this section constitutes an ordinance violation and may also result in the suspension or revocation of license to operate a commercial animal establishment.
- (5) The village board or the humane officer shall give the licensee notice of the violation and of the repercussion of that violation. The licensee request a hearing before the village board with regards to suspension or revocation of the license, such request must be made in writing within ten (10) days from when notice is received.

(h) *Offensive odors and noises regulated.* No owner or operator of any establishment for the care, treatment or boarding of any animal in the village shall allow such establishment to be conducted so as to permit any offensive odor or unusual odor to escape from the premises. Nor shall any such owner or operator own, harbor or keep any animal on the premises which habitually barks, howls, yelps or emits other noises to the annoyance of any person. Any such activities prohibited by this section are declared to be a public nuisance.

(i) *Violations and penalties.* Any person or corporation who fails to obtain a license under this section or fails to comply with the provisions of this section or any order of the humane officer issued in accordance with this section, upon conviction, shall be prosecuted for the violation under Section 10.139 Penalty. Each day the person fails to obtain the license or each day the violation exists or continues shall constitute a separate offense.

(j) *Appeal; Denial or Revocation of a License.*

- (1) Any person who is denied a license or whose license is revoked may appeal the denial or revocation to the Zoning Board of Appeals within 60 days of the date of the denial or revocation of the license.
- (2) All requests for appeals must be in writing and addressed to the Clerk; whereupon, the Clerk shall set the appeal for hearing within 45 days of the receipt of the written request.

(Ord. of 8-8-2008)

Sec. 10.125. Restrictions on keeping of dogs and cats.

No person within the village shall own, harbor or keep any:

- (a) Dog that habitually pursues any vehicle upon any public street, alley or highway in the village.
- (b) Dog or cat that assaults or attacks any person.

(c) Dog or cat that is at large within the limits of the village.

(d) Dog that habitually barks or howls to the annoyance of any person.

(e) Dog or cat that kills, wounds or worries any domestic animal.

(f) Dog or cat that is known by any such person to be infected with rabies or to have been bitten by any animal known to have been infected with rabies.

(Ord. of 9-16-1985, § 1(3), Ord. of 8-8-2008)

Sec. 10.126. Dogs and cats not to run at large.

(a) It shall be unlawful to own, keep, or harbor a dog or cat which runs at large within the village limits.

(b) Under the provisions of this section, a dog or cat shall be considered as running at large when it is not on the premises of its owner, unless it is on a suitable leash. A suitable leash means nylon, rope, chain or leather strap attached to the dog's collar on one end by a sturdy and secure clip and firmly attached to the individual. Any individual using a retractable/'flexi' leash should always have the dog under their control. It shall be considered a violation if a dog crosses the common right-of-way and enters into another's property.

(c) *Exemptions.* Dogs under the command of their owner within the confines of the Village of Weston dog park are not considered to be running at large.

(Ord. of 8-8-2008; Ord. of 8-4-2011)

Sec. 10.127. Disturbance prohibited.

The following are prohibited:

(a) The keeping or harboring of any animal or fowl, whether licensed or not, which by frequent or habitual howling, yelping, barking, crowing or making of other noises shall greatly annoy or disturb a neighborhood or any considerable number of persons within the village which tends to cause or create a disturbance is prohibited and is a public nuisance. An animal is considered to be in violation of this section when written complaints from two or more adults living in separate residences within audible distance of the noisy animal are filed with the police department or the village within a four-week period. No prosecution shall be commenced, except upon the request of the police department or village, following a written petition signed by two or more adult persons residing at different residences. Failure to correct the disturbance within 24 hours of written notification from a police officer or other designee of the village shall constitute a violation of this section and will subject the owner or occupant of the premises to the

penalties set forth in Sec. 10.139 Penalty. Each day that such act exists constitutes a separate offense.

(b) *Exemptions.* The provisions of this section shall not apply to licensed animal veterinary hospitals or clinics operated for the treatment of animals or to the premises used and occupied by the village or animal shelter for impounding animals.

(Code 1982, §4.156(k), Ord. of 8-8-2008; Ord. of 7-23-2010)

Sec. 10.128. Animals on other's property.

No person who has the care, custody or control of any animal shall allow or permit the animal to defecate or urinate upon property not owned by such person or without such other property owner's consent or upon any public property. Failure to do so shall be a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in section 10.139 Penalty. Each day that such act exists shall constitute a separate offense.

(Ord. of 9-16-1985, § 1(8), Ord. of 8-8-2008)

Sec. 10.129. Required removal of animal excreta.

(a) The owner or person having immediate care, custody or control of any animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon any public or private property.

(b) It is unlawful for any person to permit an animal to be on public property or private property not owned or possessed by such person unless such person has, in his immediate possession, an appropriate means of removing animal excreta.

(Ord. of 9-17-1994, § 2, Ord. of 8-8-2008)

Sec. 10.130. Animals on owners property.

The accumulation of dog feces or wastes upon private property in the village is declared to be a public nuisance. The owner or occupant of property upon which there exists any accumulation of dog feces or wastes shall remove all such wastes from his premises and dispose of the wastes in a safe and sanitary manner within 24 hours of written notification from a police officer or other designee of the village to remove the wastes. Failure to do so shall be a violation of this section and will subject the owner or occupant of the premises to the penalties set forth in section 10.139 Penalty. Each day that such act exists shall constitute a separate offense.

(Ord. of 8-8-2008)

Sec. 10.131. Impounding of Animals.

It shall be the duty of the humane officers of the village to impound every dog or cat found or known to be running at large within the village. The humane officers of the village shall have the right to pursue a dog or cat upon the premises of the owner or elsewhere. Any person shall have the right to capture and deliver to the humane officers any dog or cat found running at large or trespassing upon any grounds, public or private, within the village.

(Ord. of 11-19-1990, §1, Ord. of 8-8-2008)

Sec. 10.132. Claiming impounded dog or cat.

Impounded dogs or cats shall be forthwith delivered to the Marathon County Humane Society by the humane officer. Any person whose dog or cat has been impounded may obtain the dog's or cat's release from the humane society by making payment to the humane society for all of the latter's costs, charges and/or expenses that were incurred as a result of the dog's or cat's impoundment. Every person taking a dog or cat from the humane society shall sign a receipt for the animal. The animal must either be vaccinated by a licensed veterinarian or a prepaid rabies certificate from a licensed veterinarian must be presented to the humane society before an impounded animal will be released. If the animal is not licensed per Sec. 10.121 of this chapter, the owner must obtain a license through the village within ten (10) days. If the owner does not pay fees, expenses, license and reclaim the animal within ten (10) days of being notified of the impoundment, the animal will be put up for adoption without further notification, at the owner's expense. If the animal is adopted, the expenses and fees may be paid by the new owner through adoption fees.

(Ord. of 9-16-1985, §1(5), Ord. of 8-8-2008)

Sec. 10.133. Female animals in season.

Any female dog or cat in season shall be kept confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel during the duration of such season.

(Ord. of 8-8-2008)

Sec. 10.134. Requirements for horse-drawn vehicles.

No horse, pony, mule or other beast of burden shall be allowed on any public street, alley, sidewalk or other public right-of-way or upon public property unless the animal is properly attired to prevent animal waste from being deposited upon such public property or the owner of the animal shall be otherwise responsible for cleanup of all animal waste deposited upon public property by the animal.

(Ord. of 8-8-2008)

Sec. 10.135. Injured animals.

(a) 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. The owner thereof shall reimburse the persons or organization for the costs of such treatment.

(b) The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify law enforcement officers or an animal control agency whose jurisdiction extends into the village.

(Ord. of 8-8-2008)

Sec. 10.136. Animal control agency.

(a) The village board may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of a village animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccinations programs.

(b) The village board delegates to any such animal control agency the authority to act pursuant to the provisions of this chapter.

(Ord. of 8-8-2008)

Sec. 10.137. Partition or line fences.

(a) *Maintenance.* The respective occupants of adjoining lands, used and occupied for farming or grazing purposes, and the respective owners of adjoining lands when the lands of one of such owners is used and occupied for farming or grazing purposes, shall keep and maintain partition fences between their own and next adjoining premises in equal shares so long as either party continues to so occupy the premises; and such fences shall be kept in good repair throughout the year unless the occupants of the land on both sides otherwise mutually agree.

(b) *Portion of fence required to be maintained by respective owners or occupants.* Unless otherwise agreed, as evidenced by agreement in writing made by the owners, signed, sealed and witnessed by two witnesses, or by the fence viewers in writing under their hands, which agreement shall be recorded in the village clerk's office, the respective occupants of adjoining lands, used and occupied for farming or grazing

purposes, and the respective owners of adjoining lands when the lands of one of such owners is used and occupied for farming and grazing purposes, shall keep and maintain as his portion of the partition or line fence whenever practicable that half lying and being to his right as he faces the partition or line fence when standing on his own property or premises unless otherwise determined by the fence viewers.

(c) *Legal fences.* Legal fences as set out in Wis. Stats. § 90.02, and none other, are deemed and declared to be the legal and sufficient fences within the meaning of this section.

(d) *Penalty.* Any person violating any of the provisions of this section shall, in addition to the penalties provided for in Wis. Stats. ch. 90, be punished by a forfeiture of not to exceed \$100.00, together with costs of prosecution, and in default of the payment of such forfeiture and costs, shall be committed to the county jail for a period not to exceed 30 days. Each day that such violation shall continue to exist shall constitute a new and separate offense under this section.

(Code 1982, §13.02, Ord. of 8-8-2008)

Sec. 10.138. Liability.

The village and/or its animal control agency or its designated agent shall not be liable to any person for the death, destruction, injury or disease caused to any animal that has been impounded pursuant to this chapter.

(Ord. of 8-8-2008)

Sec. 10.139. Penalty.

(a) *General penalties.* Any person or corporation who fails to obtain a license under this chapter or fails to comply with the provisions of this chapter or any order of the humane officer issued in accordance with this chapter shall, upon conviction, forfeit not less than \$50 nor more than \$500 and the cost of prosecution for each violation including court costs and reasonable attorney's fees; and in default of payment of such forfeiture and costs shall be imprisoned until payment, but not exceeding 30 days. Each day the person fails to obtain the license or each day the violation exists or continues shall constitute a separate offense.

(b) *Schedule of cash deposits for violations.* The cash deposit for the violation of any section or subsection of this chapter shall be \$75. In addition, upon conviction, any person who has been found to have acted in violation of any section shall be liable for the costs of prosecution, including court costs and reasonable attorney's fees; and in default of payment of such forfeiture and costs, shall be imprisoned until payment, but not exceeding 30 days. For a second offense of a similar nature within a 12 month period, the cash deposit shall be \$150; and for a third offense of a similar nature within a 12 month period, the cash deposit shall be \$300.

(Ord. of 9-16-1985, §1(1), Ord. of 8-8-2008)

Sec. 10.140. Habitual Animal Offender.

(a) It shall be unlawful to be a habitual animal offender. For the purposes of this section, a habitual animal offender shall mean any animal owner or harbinger, who within any three- year period is convicted with three or more violations of animal care regulations of this chapter. The controlling date is the date of each animal ordinance violation, not the date of the plea entered, or the conviction resulting there from.

(b) if found to be a habitual animal offender the court may order no animal ownership for a minimum period of three years, not to exceed ten years.

(Ord. of 8-8-2008)

Sec. 10.141. Severability.

The provisions of any part of this chapter are severable. If any provision or subsection hereof or the application thereof to any person or circumstance is held invalid, the other provisions, subsections and application of this chapter to other persons or circumstances shall not be affected thereby. It is the intent of this chapter that the same would have been adopted had such invalid provisions, if any, not been included herein.

(Ord. of 8-8-2008)

ARTICLE II. DANGEROUS DOGS.

Sec. 10.200. Definitions.

(a) *Dangerous Dog.* Any dog which:

1. Without provocation, chases, confronts, or approaches a person in a menacing fashion or apparent attitude of attack, on public or private property and it is clear that the dog is not merely being protective in a particular set of circumstances.
2. Without provocation, inflicts bodily harm on a person, domestic pet, or animal on public or private property.
3. When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion.

4. Any animal that fails a temperament test as administered by the humane officer.
- (b) *Domestic Animal.* Livestock, domesticated dogs and domesticated cats.
- (c) *Menacing Fashion.* Demonstrating an intent or desire to cause injury by one or more of the following actions.
1. An attempt to bite a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put them in fear of attack.
 2. Growling or barking in an unfriendly manner while approaching or chasing a person or another animal.
 3. Growling or barking in an unfriendly manner while making physical contact with a person or another animal.
- (d) *Officer.* Any police officer or a Marathon County Humane Animal Control Officer.
- (e) *Owner.* Any person, firm, corporation, or other organization owning, keeping, possessing, harboring, controlling, or having the care or custody, whether temporary or permanently, of a dog or dogs.
- (f) *Provoked.* Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time the attack occurs or the injury is inflicted:
1. The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; or
 2. The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or
 3. The person who was attacked or injured was committing a crime on the property of the animal's owner.

(Ord. of 2-24-2006, Ord. of 8-8-2008)

Sec. 10.201. Dangerous Dogs Prohibited.

- (a) *Possession of a dangerous dog prohibited.* No person shall own, keep, possess, return to, or harbor a dangerous dog within the Village.

(Ord. of 2-24-2006, Ord. of 8-8-2008)

Sec. 10.202. Procedure for Declaring a Dog “Dangerous”.

- (a) A humane officer or police officer may determine a dog to be “dangerous” whenever, upon investigation, that officer finds that the dog meets the definition of dangerous as delineated in Sec. 10.200 (a)
- (b) The police officer or humane officer, upon making the determination that a dog is dangerous, shall issue a written order declaring the dog to be dangerous and demanding that the owner of the dangerous dog remove it from the Village within five days.
- (c) If the owner objects to the declaration of dangerousness, they may file a written objection contesting the declaration with the Municipal Court Clerk within five days of receiving the written declaration.
- (d) Upon receipt of the owner’s written objection within the prescribed five days, the matter shall be placed on the soonest Municipal Court docket for review.
- (e) The Municipal Court Judge shall allow the animal’s owner an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous dog.
- (f) Pending the outcome of the hearing, the animal may be confined subject to Sec. 173.21, Wis. Stats., or held at a location outside the Village limits at the owner’s expense.
- (g) After the hearing, once the Municipal Court Judge has made a decision, the owner shall be immediately notified of the decision in writing by certified mail. If a decision is made that the animal is a prohibited dangerous dog, the owner shall comply with the order to remove the dog from the Village within five days after the written decision, if not already removed.
- (h) If the owner further contests the decision, he or she may, within five days of receiving the written decision, seek review of the decision by the Circuit Court.
- (i) If the declared dangerous dog is not removed from the Village within 10 days of it being declared dangerous by owner’s omission, Municipal Court hearing, or appeal, it may be seized and ordered destroyed pursuant to Sec. 174.02 (3), Wis. Stats., and in the manner prescribed in Sec. 10.203 of this ordinance.

(Ord. of 2-24-2006, Ord. of 8-8-2008)

Sec. 10.203. Manner and Procedure for Destruction of Dangerous Dogs.

Whenever an officer or veterinarian is required to destroy a dangerous dog, the animal shall be destroyed in a humane manner.

(Ord. of 2-24-2006, Ord. of 8-8-2008)

Sec. 10.204. Exemption for Police Dogs.

The provisions of this ordinance regarding dangerous dogs shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

(Ord. of 2-24-2006, Ord. of 8-8-2008)

Sec. 10.205. Penalties.

- (a) Any person violating this ordinance shall, upon conviction, forfeit not less than thirty dollars (\$30), or not more than five hundred dollars (\$500).
- (b) Any person who owns, keeps, possesses, harbors, or returns any dangerous dog to the Village, after it has been declared to be dangerous by owner's omission, judicial hearing, or appeal, shall be subject to a forfeiture of not less than \$500 or more than \$1,000.

(Ord. of 2-24-2006, Ord. of 8-8-2008)

ARTICLE III. HUNTING

Sec. 10.300. Definitions.

(a) *Hunt or hunting* includes shooting, shooting at, pursuing, taking, capturing or killing or attempting to capture or kill any wild animal, bird or waterfowl.

(b) *Zones* are defined as:

- (1) *Archery zones* includes bows, and cross bows (as permitted by the Wisconsin Department of Natural Resources). Archery zones shall also be open to small game hunting, and waterfowl hunting, restricted to: rimfire rifles and handguns; air rifles; and shotguns firing shot size and type as permitted by the Wisconsin Department of Natural Resources.
- (2) *Non-restrictive* includes: shotguns of all types; bows and cross bows (as permitted by the Wisconsin Department of Natural Resources); non-cartridge black powder (or substitute) firing rifles, shotguns or pistols; cartridge firing rifles, shotguns or pistols.

(Ord. of 7-1-2002, § 1, Ord. of 3-18-2005, Ord. of 8-8-2008)

Sec. 10.301. Permitted activity zones.

(a) *Map.* All "zones" shall be as depicted on the official "Village of Weston Designated Hunting Zones" created June 2001 or it's successor. Hunting methods must conform to the restrictions upon that map.

- (1) Any parcel which is zoned AG (Agriculture), RR (Rural Residential), WPD (Wetland Protection District) or mapped as Shoreland-Wetland and has any of the following overlay districts: Institutional, Public Service may not be considered in the "Non-Restrictive" zone but may, upon review of the Public Safety Committee placed in an "Archery" zone.

(b) *Conformity.* All hunting shall be in conformity with Wisconsin State Statute Chapter 29 "Wild Animals and Plants" and regulations as established by the Wisconsin Natural Resources Code NR 10, and United States Fish and Wildlife Agency.

All hunting shall be in conformity with the uses permitted according to Chapter 94 (Zoning) and Chapter 54 (Offenses and Miscellaneous Provisions) of the Municipal Code of the Village of Weston.

(c) *Special permits.* In *Archery Zones*, special permits for unrestricted small game, waterfowl, and large game hunting may be granted upon application to the village board through the Village of Weston Safety Committee. Such permits shall be valid from July 1 to June 30 of each year and shall cover the Wisconsin small game season, waterfowl season, and big game hunting season including "special" seasons. Small game and waterfowl season hunting restrictions shall also apply to these permits.

Archery zoned *Special Permits* shall be restricted to; rimfire rifles and handguns; air rifles; and shotguns firing shot size and type as permitted by the Wisconsin Department of Natural Resources.

- (1) Applications for *Special Hunting Permit(s)* shall be submitted to the Village of Weston Safety Committee for their review and recommendation at the next available meeting.

The application will be reviewed by the safety committee to assess the location of the area to be hunted, the terrain, vegetation density, it's proximity to; residences, businesses, schools, commercial structures, public parks, major roadways, and the probability of stray shots striking persons, or structures.

The village board of the Village of Weston shall have the final authority to grant or deny such permits.

An applicant may appeal the denial of a special hunting permit to the Village of Weston, village board.

(2) Applicants must own, lease, or have written permission from the owner of a parcel of land located in one of the "archery zones" as delineated in the official "Village of Weston Designated Hunting Zones" created June 2001 or it's successor.

(3) That parcel of land must be zoned AG (Agriculture) greater than or equal to 20 (twenty) acres, RR (Rural Residential) greater than or equal to 2.75 (two and three quarters) acres but less than 20 (twenty) acres, WPD (Wetland Protective District) no minimal size or mapped as Shoreland-Wetland greater than or equal to 5 (five) acres. Changes in zoning which remove the permitted parcel from any of the above listed zones shall render the permit null and void.

(Ord. of 7-1-2002, § 1, Ord. of 3-18-2005, Ord. of 8-8-2008)

Sec. 10.302. Enforcement and penalties.

(a) *Enforcement.* Enforcement of the provisions of this section shall fall under the jurisdiction of the Everest Metropolitan Police Department, Marathon County Sheriff's Department.

(b) *Penalties.* Any person violating this section shall, upon conviction, forfeit not less than thirty dollars (\$30.00), or not more than five hundred dollars (\$500.00).

(Ord. of 7-1-2002, § 1, Ord. of 3-18-2005, Ord. of 8-8-2008)