

Public Protection
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CHAPTER 11

ANIMAL CONTROL AND LICENSES

Section

- 11.1 Purpose
- 11.2 Definitions
- 11.3 Construction and Application
- 11.4 Mistreating Animals
- 11.5 Taking without Owner's Consent
- 11.6 Transportation of Animals
- 11.7 Use of Poisonous and Controlled Substances
- 11.8 Providing Proper Food and Drink to Confined Animals
- 11.9 Providing Proper Shelter
- 11.10 Neglect and Abandonment. No Person May Abandon Any Animal
- 11.11 Vaccination (Rabies Control)
- 11.12 Re-Vaccination
- 11.13 Bites by Domestic Animals
- 11.14 Bites by Wild Animals
- 11.15 Licenses
- 11.16 State Regulations
- 11.17 Dogs Not to Run at Large
- 11.18 Animals and Poultry Not to Run at Large
- 11.19 Vicious Animals
- 11.20 Female Animals in Season
- 11.21 Exercising Animals
- 11.22 Howling Animals
- 11.23 Injured Animals
- 11.24 Animal Control Agency
- 11.25 Liability
- 11.26 Penalty
- 11.27 Animals Acquired From Contracted Animal Control Facility
- 11.28 Commercial Animal Establishments

11.29 Citations

11.30 Deposit Schedule

11.19 Vicious Animal and public nuisance added 1/96

11.1 PURPOSE. This ordinance is hereby passed in the interest of promoting the public health and welfare and in the protection of the Village's animal population.

11.2 DEFINITIONS.

(a) "Animal" includes every living; a: warmblooded creature, except a human being, b: reptile c: amphibian.

(b) "Cattery" means any establishment where cats are kept for the purpose of breeding, selling, buying, or boarding.

(c) "Commercial Animal Establishment" means any pet shop, grooming shop, kennel, or cattery and shall exclude any village pound, Humane Society Animal Shelter or veterinary facility. Notwithstanding the foregoing, the provisions of Section 27 of this ordinance shall be applicable to a veterinary facility if the same is engaged in the boarding of animals for commercial purposes.

(d) "Cruel" means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

(e) "Farm Animal" means any warmblooded animal normally raised on farms in the United States and used or intended for use as food or fiber.

(f) "Grooming Shop" means a commercial establishment where animals are bathed, clipped, or otherwise groomed.

(g) "Kennel" means any establishment wherein or whereon dogs are kept for the purpose of breeding, selling, buying, or boarding.

(h) "Law enforcement officer" has the meaning assigned under section 967.02(5) of the Wisconsin Statutes and includes a humane officer under section 58.07 but does not include a conservation warden appointed under section 23.10.

(i) "Owner" includes every person who owns, harbors, or keeps an animal.

(j) "Pet Shop" means any establishment where any dog, cat, rabbit, rodent, nonhuman primate, bird, or vertebrate animal is bought, sold, exchanged, or offered for sale to the general public.

(k) "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 owner of said dog or cat shall be deemed to be upon the owner's premises.

11.3 CONSTRUCTION AND APPLICATION.

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

11.4 MISTREATING ANIMALS.

No person may treat any animal, whether belonging to himself or another, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal accepted veterinary practices.

11.5 TAKING WITHOUT OWNER'S CONSENT.

No person may take a dog from one place to another without the owner's consent or cause such a dog to be confined or carried out of this state or held for any purpose without the owner's consent, except when such animal is taken by a law enforcement officer as designated above.

11.6 TRANSPORTATION OF ANIMALS.

No person may transport any animal in or upon any vehicle in a cruel manner.

11.7 USE OF POISONOUS AND CONTROLLED SUBSTANCES.

No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in section 161.14 of the Wisconsin Statutes, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination, nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.

11.8 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

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 of sufficient quantity and nutritive value to maintain the animals in good health.

(b) Water. 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.

11.9 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 which 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. Sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(2) Shelter from inclement weather.

a. Animals generally. Natural or artificial shelter appropriate to the local climate 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, 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 periodic cleaning to remove excreta and other waste materials, dirt, and trash so as to minimize health hazards.

11.10 NEGLECT AND ABANDONMENT. NO PERSON MAY ABANDON ANY ANIMAL.

(a) Any law enforcement officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved, or denied adequate water, neglected, abandoned, or

otherwise treated in a cruel manner and may deliver such an animal to the animal control agency as set forth in section 11.24 of this chapter or such other designated person to be sheltered, cared for, given medical attention, if necessary. In all cases the owner, shall be immediately notified and such officer or animal control agency, or such other designated person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

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

11.11 VACCINATION (RABIES CONTROL).

(a) Every owner of a dog four (4) months of age shall have his animal inoculated with an antirabies vaccine by a licensed veterinarian. the tag received shall be firmly attached to the collar of the animal.

(b) Exceptions. No dog shall require the vaccination if a licensed veterinarian has examined the dog and certified that at such time vaccination would endanger its health because of age, infirmity, debility, illness, or their medical consideration. Such exempt animals shall be vaccinated as soon as health permits.

11.12 REVACCINATION.

(a) Every owner of a dog shall have his dog revaccinated within one (1) year of the initial vaccination and thereafter within every three (3) years.

11.13 BITES BY DOMESTIC ANIMALS.

(a) It shall be the duty of any person bitten or scratched by any dog or cat to report the fact within twelve (12) hours to a licensed physician practicing in Portage County, and the contracted Animal Control Agency, and/or the County Health Officer.

(b) Quarantine. Any dog or cat without a current rabies shot that bites a person shall be captured, confined, and observed for ten (10) days at a veterinarian facility or at the contracted Animal Control Agency at the expense of the owner except if such animal has a current rabies shot it may be quarantined on the premises of the owner after contacting and with the approval of the contracted Animal Control Agency and/or the County Health Officer.

(1) After such quarantine period animals that have not previously been vaccinated must be vaccinated and proof sent to the County Health Officer and/or the Contracted Animal Control Agency within seventytwo (72) hours of release.

(2) An animal that has been exposed to rabies shall be held in quarantine for six (6) months.

(3) An animal that has been vaccinated but is exposed to rabies shall be quarantined for sixty (60) days.

11.14 BITES BY WILD ANIMALS.

(a) It shall be the duty of any person bitten or scratched by any wild animal to report the fact within twelve (12) hours to the attending physician.

(b) Any wild animal that bites or scratches a person shall be killed at once (without damage to the head) and the brain examined for evidence of rabies.

11.15 LICENSES. Every owner of a dog more than five (5) months of age on January 1 of any year or five (5) months of age within the license year, shall annually or within thirty (30) days from date such dog becomes (5) months of age at the time and in the manner provided by law for the payment of property taxes, pay his dog license tax and obtain a license therefore. The license fees are as follows: the state minimum and local fee of \$2.00. Rabies certificates are required to be shown prior to issuance of licenses.

11.16 STATE REGULATIONS.

(a) The provisions of Chapter 174 of the Wisconsin State Statutes pertaining to licensing of dogs are made a part of this section by reference thereto, except where the amount of such license fee is increased herein.

(b) Late fees. The collecting official shall assess and collect a late fee of \$5.00 from every owner of a dog 5 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. All late fees received or collected shall be paid into the local treasury as revenue of the Village. The governing body of the Village, may, when setting the amount of the tax, provide that any person purchasing a dog license for a dog 5 months of age or over after April 1 shall pay an additional late fee.

11.17 DOGS NOT TO RUN AT LARGE.

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

(b) Under the provisions of this section, a dog shall be considered as running at large when it is not on the premises of its owner, unless it is on a leash.

11.18 ANIMALS AND POULTRY NOT TO RUN AT LARGE.

No person having in possession or under his control any animal or fowl shall allow the same to run at large within the Village. "At large" means an animal is off the premises of its owner and upon any public street or alley, school grounds, public park or other public grounds and/or

buildings or upon any private property without the permission of the owner of the property, provided an animal shall not be deemed to be at large if the following provisions apply:

(1) It **(an animal other than a dog)** is attached to a leash not more than 10 feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on public property where such animals are forbidden. **Dogs are required to be on a leash not more than six feet in length.**

(2) It is properly restrained within a motor vehicle.

(3) It is engaged in the act of training for show, field trial or obedience trial purposes, in control of its owner or his agent competent to govern such animal at such distance, and not annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.

The owner or keeper shall be liable for all damages done by such animal while so at large, although he escapes without the fault of such owner or keeper; and the construction of any fence shall not relieve such owner or keeper from liability.

11.19 VICIOUS ANIMALS.

“Vicious animal” shall mean any animal that when unprovoked, inflicts bites, injures, kills or attacks a human being or domestic animal on either public or private property, or when a propensity to attack or bite persons exists and is known or reasonably should be known to the owner.

(a) Exceptions. Notwithstanding the definition of “vicious animal” above:

1. No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such was sustained was committing a criminal trespass of the land or dwelling upon premises occupied by the owner of the animal, or 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.

2. No animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing or assaulting the animal.

3. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.

4. No animal may be declared vicious for acts committed by said animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

(b). Any animal declared “vicious shall comply with the following requirements:

1. While on the owner’s or caretaker’s property, a vicious animal, must be: (a) securely confined indoors or (b) in a securely enclosed in a locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or structure has no bottom secured to the sides, the sides must be imbedded in the ground no less than two feet, or have a concrete pad for the bottom.

2. While off the owner’s or caretaker’s premises, the vicious animal must be muzzled and restrained by a substantial chain or leash not exceeding four feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.

3. Any owner or caretaker of a “vicious animal” shall, at the owner’s expense, have the animal permanently identified by the implantation of a microchip by a licensed veterinarian. The microchip number shall be registered with the Village Clerk and contracted animal control agency.

4. The owner or caretaker shall immediately notify the contracted animal control agency or ordinance officer if the “vicious animal” is loose, unconfined, has attacked another animal or has attacked a human being or has died or been sold or given away. If the animal has been sold or given away the owner or keeper shall provide the contracted animal agency or ordinance officer with the name, address and telephone number of the new owner. Nor person may sell or transfer possession of a “vicious animal” to another person without first notifying the person to whom the “vicious animal” is being sold or transferred, of the fact that such is a “vicious animal”.

(c). Authority.

1. The contracted animal control facility or any law enforcement officer, empowered after conducting an investigation in the circumstances surrounding an unprovoked animal attack, is hereby empowered to declare the animal in question vicious. The owner of the animal declared vicious hereby shall be served personally or by certified mail with return receipt with an order declaring the animal vicious. Any animal owner aggrieved by said order may petition the Village for a review of the order in accordance with the procedure set forth herein. Upon receipt of the petition of the aggrieved owner, the Village shall schedule and conduct a hearing. The hearing shall be conducted in conformance with Wisconsin statute chapter 227. After the hearing, the owner or keeper of the animal shall be notified in writing of the determination. If the owner or keeper of the animal contests the determination, he or she may, within 30 days, seek review of the decision by the Circuit Court.

(d). Court Order To Kill A Dog:

1. The Village may commence a civil action to obtain a judgment from a court ordering an officer to kill a dog. The court may grant the judgment if the court finds both of the following:

(a). The dog caused serious injury to a person or livestock on 2 separate occasions off the owner's property, without reasonable cause.

(b). The owner of the dog was notified or knew prior to the 2nd injury, that the dog caused the first injury.

2. Any officer enforcing a judgment under this subsection shall kill a dog in a proper and humane manner.

(e). Liability For Injury.

1. Without notice. The owner of a dog is liable for 2 times the full amount of damages caused by the dog injuring or causing injury to a person, livestock or property if the owner was notified or knew that the dog previously injured or caused injury to a person, livestock or property.

(f). "Public nuisance" shall be any animal or animals that unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens other than their owners, to enjoyment of life or property. The term "public nuisance animal" shall mean and include but is not limited to any animal that:

- (1) Molests or intimidates passerby, or passing vehicles.
- (2) Attacks persons, or animals without provocation when they were peacefully conducting themselves where they were lawfully entitled to be
- (3) Trespasses on school grounds, parks or cemeteries.
- (4) Is repeatedly at large.
- (5) Damages private or public property.
- (6) Excessively makes disturbing noises, including but not limited to continued howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
- (7) Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

11.20 FEMALE ANIMALS IN SEASON.

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

11.21 EXERCISING ANIMALS.

(a) No person shall exercise or walk a dog on a leash more than six (6) feet in length.

(b) No person shall allow or permit any animal owned by him to defecate upon the property not owned by such person or without such other property owner's consent or upon any

public property, excluding there from any property used for street purposes, without immediately removing feces.

11.22 HOWLING ANIMALS.

(a) No person shall own, keep, have in his possession, or harbor any dog within the Village which by frequent or habitual howling, yelping, or barking shall cause a serious disturbance to persons or to the neighborhood, provided that the provisions of this section shall not apply to licensed animal hospitals conducted for the treatment of small animals or to the premises used and occupies by the Village for impounding animals.

(b) No person shall be convicted under the provisions of this section except upon a plea of guilty or nolo contendere or upon a complaint executed by three (3) or more persons of different households.

11.23 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 injured. In the event the owner of such injured 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 acquire such animal for the purpose of providing medical treatment and the owner thereof shall be responsible for reimbursement of medical costs.

(b) The operator of any vehicle involved in an accident resulting in injury to or death of any domestic animal shall stop such vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and shall, if possible, remove the animal to the side of the roadway and notify the Portage County Sheriff's Department and/or the Contracted Animal Control Agency.

11.24 ANIMAL CONTROL AGENCY.

(a) The Village Board of the Village of Junction City may, if it deems it advisable, contract with or enter into an agreement with such person, persons, organizations, or corporation to provide for the operation of the Village animal shelter, impoundment of stray animals, and for assisting in the administration of rabies vaccination programs.

(b) Enforcement. The Village Board may appoint one or more humane officer and appropriate money to carry on such program and pay such salaries as the Board deems necessary to implement and enforce the provisions of this ordinance; humane officers shall serve until their appointments are terminated by the Village Board.

11.25 LIABILITY.

The Village of Junction City 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 ordinance.

11.26 PENALTY.

Every person, firm, or corporation convicted of a violation of any of the provisions of the above entitled sections or parts thereof of this chapter shall, for each offense, be punished by a forfeiture not to exceed \$500.00 together with the cost of prosecution and in lieu of payment and costs assessed imprisoned in the county jail for a term not to exceed sixty (60) days.

11.27 ANIMALS ACQUIRED FROM CONTRACTED ANIMAL CONTROL FACILITY.

Any dog or cat acquired from the contracted animal control facility must be spayed or neutered in compliance with the animal control agencies contract.

11.28 COMMERCIAL ANIMAL ESTABLISHMENTS.

(a) Any person who keeps or operates a commercial animal establishment shall apply to the Village for a license for the keeping or operating such commercial establishment. For such establishment he shall pay a license fee of \$20.00 for the license year.

(b) Each holder shall take reasonable care to release for sale, trade or adoption only animals, which are free of disease, injuries, or abnormalities. The law enforcement 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 rickets, emaciation, etc.
- (3) Obvious signs of severe parasitismextreme enough to be influencing general health.
- (4) Obvious fractures or congenital abnormalities affecting general health of animal.

(c) 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 as often as necessary to prevent odor nuisance.

(7) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodentproof 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.

11.29 CITATIONS.

(a) An action in circuit court for violation of this ordinance may be commenced by personal service of a citation on the offending individual or firm.

The citation shall be signed by a humane officer or ordinance officer and shall contain substantially the following information:

(1) The name and address of the defendant.

(2) The name of the issuing officer.

(3) The violation alleged, the time and place of occurrence, a statement that the defendant committed the violation, the section of the ordinance violated and a designation of the violation in language which can be readily understood.

(4) A date, time and place for the court appearance, and a notice to appear.

(5) Provisions for amount of deposit and stipulation in lieu of a court appearance.

(6) Notice that the defendant may make a deposit and thereby obtain release if an arrest has been made.

(7) Notice that the defendant may by mail prior to the court appearance enter a plea of not guilty and may within ten (10) days after entry of the plea request a jury trial.

(8) Notice that if the defendant makes a deposit and fail to appear in court at the time fixed in the citation, the defendant is deemed to have tendered a plea of no contest and submits to a forfeiture and penalty assessment plus costs, not to exceed the amount of the deposit. The notice shall also state that the court may decide to summon the defendant rather than accept the deposit and plea.

(9) Notice that if the defendant does not make a deposit and fails to appear in court at the time fixed in the citation, the court may issue a summons or a warrant for the defendant's arrest or may enter a default judgment against the defendant.

(10) Any other pertinent information.

(b) In lieu of the procedure set forth in subparagraph (a) of this section an action for recovery of forfeitures resulting from violations of this ordinance may be commenced according to the procedures set forth in Chapter 288 of the Wisconsin Statutes.

11.30 DEPOSIT SCHEDULE. For violations of the provisions of this ordinance as hereafter set forth, the following schedule of deposits shall be adhered to in issuing citations as provided in section 29 of this ordinance:

<u>Section Violated</u>	<u>Deposit Fee</u>
Section 8, Failure to provide proper food and drink to confined animal	\$50.00
Section 9, Failure to provide proper shelter for an animal	\$25.00
Section 11, Failure to vaccinate dog	\$25.00
Section 12, Failure to revaccinate dog	\$25.00
Section 15, Failure to license dog	\$25.00
Section 17, 18, Owning/keeping/harboring dog/animal/fowl running at large	
1st violation within 12 month period	\$15.00
2nd violation within 12 month period	\$30.00
3rd and subsequent violations within a 12 month period	\$50.00

Section 21, (b), Allowing animal to defecate on property not owned	\$25.00
Section 22, Howling animals	\$25.00
Section 27, Failure to spayneuter dog or cat acquired from animal control facility	\$75.00
All other violations	\$25.00