

VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 1, SERIES OF 2013
AN ORDINANCE AMENDING THE VILLAGE OF LITTLE CHUTE MUNICIPAL CODE -
CHAPTER 6 ANIMALS

BE IT ORDAINED by the Village Board of Trustees, Village of Little Chute, Outagamie County, Wisconsin as follows:

Section I. Chapter 6 of the Village of Little Chute code of ordinances is hereby amended by additions and/or subtractions to the content in Sections 6-1, 6-4, 6-7, 6-14, and 6-21 as follows.

Sec. 6-1 Definitions

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

Animal means mammals, reptiles and birds.

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

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

Cat means any feline, regardless of age or sex.

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

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

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

Custodian means anyone other than the legal owner of an animal who has lawful temporary or permanent possession or custody of the animal.

Dangerous animal means any of the following:

1. Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
2. Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without provocation, upon the streets, sidewalks or any public grounds or on private property of another without the permission of the owner or person in lawful control of the property.

3. Any animal with a known propensity, tendency or disposition to attack, to cause ~~bodily harm~~ **injury** to, or otherwise threaten the safety of humans or other domestic animals.

~~**Dog** means any canine, regardless of age or sex.~~

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

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

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

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

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

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

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

~~**Neutered**, as used herein describing a dog or cat, means a dog or cat having nonfunctional reproductive organs.~~

~~**Owner** means any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this section.~~

Owner means any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its caretaker or who knowingly permits an animal to remain on or about his premises/property for five (5) or more consecutive days.

Pet means any animal kept and treated as a pet.

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

Prohibited Dangerous Animal means any of the following:

1. Any animal that, while off the owner's or custodian's property, has killed a domesticated animal without provocation.

2. Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
3. Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.
4. Any dog that is subject to being destroyed under s. 174.02(3), Wis. Stats.
5. Any dog trained, owned or harbored for the purpose of dog fighting.

Public nuisance animal means any animal which:

1. Habitually pursues any vehicle or passerby upon any public street, alley or highway in the Village.
2. Molests people, domestic animals, or passing vehicles.
3. Attacks persons or domestic animals without provocation when such persons or domestic animals are peacefully conducting themselves in a place where they are lawfully entitled to be present.
4. Is at large within the Village limits on school grounds, parks or cemeteries.
5. Is repeatedly at large.
6. Damages private or public property.
7. Barks, whines or howls in an excessive, or continuous or untimely fashion. or during hours of darkness.
8. Does not have the current vaccination as required by Section 6-3.
9. Is the subject of Section 6-6.
10. Is the subject of repeated violations under this chapter.

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

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

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

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

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

Wild animal means any nonhuman primate, raccoon, skunk, fox, wolf, or any animal which is in part of the canis lupis species, any animal raised for fur-bearing purposes or any other animal or hybrid thereof which can normally be found in the wild state, or poisonous reptiles, crocodilians and any other snake or reptile exceeding three (3) feet in length.

Sec. 6-4. Issuance of dog, cat and kennel licenses.

(a) Dog and cat licenses.

- 1) It shall be unlawful for any person in the village to own, harbor or keep any dog or cat more than five months of age without complying with the provisions of

Wis. Stats. §§ 174.05 through 174.10, relating to the listing, licensing and tagging of the same.

- 2) The owner of any dog ~~or cat~~ more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog ~~or cat~~ becomes five months of age, pay a license tax and obtain a license.
- 3) The minimum license tax required under this section shall be established by Wis. Stats. § 174.05(2).
- 4) Upon payment of the required license tax and upon presentation of evidence that the dog ~~or cat~~ is currently immunized against rabies, as required by section 6-3, the police department shall complete and issue to the owner a license for such dog ~~or cat~~ containing all information required by state law. The police department shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- 5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog ~~or cat~~ for which the license is issued at all times, except as provided in section 6-3(b).
- 6) The fact that a dog ~~or cat~~ is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog ~~or cat~~ is unlicensed. Any village police or humane officer shall seize, impound or restrain any dog ~~or cat~~ for which a dog ~~or cat~~ license is required which is found without such tag attached.
- 7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the finance director upon application thereof.

(b) Kennel licenses.

- 1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license tax established by Wis. Stats. § 174.053(1). Kennels may only be located in a CH commercial highway district (section 44-51) pursuant to the village zoning regulations.
- 2) The term "kennel" means any establishment wherein or whereon ~~three or~~ more than three dogs are kept.
- 3) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or abandons said dogs. The village board or other designated official shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his own initiative. Expressly incorporated by reference in this section as minimum standards for kennel keepers or operators are the relevant provisions of Wis. Stats. ch. 948.

Sec. 6-7 Restriction on keeping of dogs, cats, fowl and other animals.

(a) *General restrictions.* It shall be unlawful for any person within the Village to own, harbor or keep any dog, cat, fowl or other animal which has been determined to be a public nuisance as defined in Section 6-1 or allow the animal to run at large in the Village.

(b) The owner or custodian of any animal shall confine, restrain or maintain control over the animal so that the unprovoked animal does not run at large, attack, molest, or cause bodily harm to any person or domesticated animal.

(c) All owners and custodians shall exercise proper care and control of their animals under their ownership, possession, or custody to prevent them from becoming a public nuisance animal.

(d) Every female dog or cat in heat shall be confined in a building or secure enclosure, or otherwise restrained, in such a manner that such female dog or cat cannot come into contact with another unneutered male of the same species, except for planned breeding.

(e) Owner's liability for damage caused by dogs; penalties. The provision of Wis. Stats. § 174.02, relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

Sec. 6-14 Prohibited and protected animals, fowl, reptiles and insects-wild animals and restricted species.

~~(a) *Wild animals; prohibition on keeping.* It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the village any other following animals, reptiles or insects:~~

- ~~(1) All poisonous animals and reptiles including rear-fang snakes.~~
- ~~(2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).~~
- ~~(3) Baboons (Papio, Mandrillus).~~
- ~~(4) Bears (Ursidae).~~
- ~~(5) Bison (Bison).~~
- ~~(6) Cheetahs (Acinonyx jubatus).~~
- ~~(7) Crocodilians (Crocodilia), 30 inches in length or more.~~
- ~~(8) Constrictor snakes, six feet in length or more.~~
- ~~(9) Coyotes (Canis latrans).~~
- ~~(10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.~~
- ~~(11) Elephants (Elephas and Loxodonta).~~
- ~~(12) Game cocks and other fighting birds.~~
- ~~(13) Hippopotami (Hippopotamidae).~~
- ~~(14) Hyenas (Hyaenidae).~~
- ~~(15) Jaguars (Panthera onca).~~
- ~~(16) Leopards (Panthera pardus).~~
- ~~(17) Lions (Panthera pardus).~~
- ~~(18) Lynxes (Lynx).~~
- ~~(19) Monkeys, old world (Cercopithecidae).~~
- ~~(20) Ostriches (Struthio).~~
- ~~(21) Piranha fish (Characidae).~~
- ~~(22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.~~
- ~~(23) Rhinoceroses (Rhinocerotidae).~~
- ~~(24) Sharks (class Chondrichthyes).~~

~~(25) Snow leopards (*Panthera uncia*).~~

~~(26) Tigers (*Panthera tigris*).~~

~~(27) Wolves (*Canis lupus*).~~

~~(28) Poisonous insects.~~

~~(29) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.~~

~~(b) Exceptions; pet shops. The prohibition of subsection (a) of this section shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:~~

~~(1) Their location conforms to the provisions of chapter 44, pertaining to zoning of the village.~~

~~(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.~~

~~(3) Animals are maintained in quarters so constructed as to prevent their escape.~~

~~(4) No person lives or resides within 100 feet of the quarters in which the animals are kept.~~

~~(Code 2006, § 7-1-13)~~

(a) No person shall keep or permit to be kept any wild animal as a pet.

(b) Except as otherwise permitted within this section, no person shall keep, sell or offer for sale within the Village any horses, cows, pigs, goats, sheep, bees, pigeons, chickens, geese, ducks or other fowl or any other domestic animal other than a dog, cat, rabbit, small caged birds, small caged animals or reptiles or aquatic and amphibian animals, kept solely as pets.

(c) No person shall exhibit or permit to be kept on their premises or any public place any wild animal for display or exhibition purposes, whether gratuitously or for a fee.

(d) The prohibitions in (c) of this section do not apply when the creatures are in the care, custody or control of a veterinarian for treatment.

(e) Public or private educational institutions, nonprofit organizations, itinerant or transient carnivals, circuses or other theatrical performances may seek, from the Health Officer, a limited exemption from this section provided the display will be of limited duration and meet any other requirements or conditions mandated by the Health Officer and the location complies with provisions of Chapter 44, pertaining to zoning of the Village. The person or organization having custody and control of any animal permitted by this section shall be responsible for compliance with all other provisions of this chapter while the animal remains within the Village limits.

State law references: Endangered and threatened species protected, Wis. Stats. § 29.604; removal of wild animals, Wis. Stats. § 29.885.

Sec. 6-21 Limitation on number of ~~dogs~~ animals.

~~(a) Purpose. The keeping of a large number of dogs within the village for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs is, therefore, declared a public nuisance.~~

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

~~Dog means any canine, regardless of age or sex.~~

~~Family means one or more persons.~~

~~Residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. Any vacant parcel adjoining a dwelling and under the same ownership shall constitute one lot.~~

~~(c) Number limited.~~

~~(1) No family shall own, harbor or keep in its possession more than three dogs on any residentially zoned lot, except that a litter of pups or a portion of a litter may be kept for not more than eight weeks from birth. If more than one family resides on a residential lot, then only a total of three dogs shall be allowed on the residential lot unless the prior approval is obtained from the village board.~~

~~(2) The above requirement may be waived with the approval of the village board or when a kennel license has been issued by the village. Such application for waiver shall first be made to the village clerk.~~

No person or household shall keep more than six (6) animals, the maximum number of dogs being three (3), the maximum number of rabbits being two (2), on any Village lot, land parcel, home or dwelling unit if in a multiple dwelling unit, with the exception of a litter of pups or kittens, which may be kept for a period of time not to exceed five (5) months from birth. This section does not apply to premises holding a valid kennel license.

Section II: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the above provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or its applications.

Section III: Effective Date. This Ordinance shall become effective on the date of passage.

Section IV: State Law. Nothing therein precludes additional or alternative enforcement in accordance with Chapter 174 Wisconsin Statutes or other applicable state law.

Date introduced: January 9, 2013

Approved and Adopted: February 6, 2013

VILLAGE OF LITTLE CHUTE

By: _____

Michael R. Vanden Berg, Village President

Attest: _____

Vicki Schneider, Village Clerk