

**VILLAGE OF LITTLE CHUTE
ORDINANCE NO. 3, SERIES OF 2011**

**AN ORDINANCE AMENDED VILLAGE OF LITTLE CHUTE CODE OF
ORDINANCES 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, 6-2, 6-6, 6-7, 6-8, 6-10 and the addition of Sections 6-24, 6-25, 6-26, 6-27, 6-28, and 6-29 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 of the owner or custodian and not under the control of some person either by leash or otherwise, but 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.

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.

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.

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 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.

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

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.

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.

Pet means ~~an~~ **any** animal kept and treated as a pet.

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.
5. Damages private or public property.
6. Barks, whines or howls in an excessive, or continuous fashion, or during hours of darkness.
7. Does not have the current vaccination as required by Section 6-3.
8. Is the subject to Sec. 6-6 below.

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.

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 requiring medical care or treatment.

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

Sec. 6-2 Dog and cat licenses required.

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

Sec. 6-3 Rabies vaccination required for license.

(a) *Rabies vaccination.* The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within 30 days after the dog or cat reaches four months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the village after the dog or cat has reached four months of age, the owner shall have the dog or cat vaccinated against rabies within 30 days after the dog or cat is brought into the village unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).

(b) *Tag to be attached.* The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during completion or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under subsection (a) of this section.

(Code 2006, § 7-1-2)

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 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. 6-5 Late fees.

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

Sec. 6-6 Rabies Quarantine

- (a) *Dogs and cats confined.* If a district is quarantined for rabies, all dogs and cats within the village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance **animal** and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The village clerk shall promptly post in at least three public places in the village notices of quarantine.
- (b) *Exemption of vaccinated dog or cat from village quarantine.* A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the village quarantine provisions of subsection (a) of this section if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) If any dog or cat for which the owner holds a current rabies certificate is involved in a bite or scratch incident, the owner shall quarantine and confine the animal under the supervision of a licensed veterinarian for at least ten (10) days from the date of the incident. The animal shall not be allowed to come in contact with other animals or people during the period of confinement. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the tenth day, and on one (1) intervening day.
- (d) Any dog or cat involved in a bite or scratch incident that has not been vaccinated or has not been revaccinated within the prescribed times must be confined at a veterinary hospital or a place designated by the Police Department.
- (e) The owner of any dog or cat involved in a bite or scratch incident is responsible for any expenses incurred.

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 or, cat, **fowl or other animal** which **has been determined to be a public nuisance as defined in Section 6-1.**
- ~~(1) Habitually pursues any vehicle upon any public street, alley or highway in the village.~~
- ~~(2) Assaults or attacks any person or destroys property.~~
- ~~(3) Is at large within the limits of the village.~~
- ~~(4) Habitually barks or howls to the annoyance of any persons.~~
- ~~(5) Kills, wounds or worries any domestic animal.~~
- ~~(6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.~~
- ~~(7) In the case of a dog, is unlicensed.~~
- ~~(b) Vicious dogs and animals.~~
- ~~(1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purposes of enforcing this section, a dog shall be deemed as being of a vicious disposition if, within any 12 month~~

period it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by law enforcement or humane authorities.

~~(2) A dog or cat shall not be considered to be running at large if it is on a leash not to exceed ten feet in length and under control of a person physically able to control it.~~

(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. 6-8 Impoundment of animals

~~(a) *Animal control agency.*~~

~~(1) The village may contract with or enter into an agreement with such persons, organizations or corporations to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.~~

~~(2) The village does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this section.~~

~~(b) *Penalty for violation; grounds for impounding.* In addition to any penalty hereinafter provided for a violation of this chapter, any law enforcement or humane officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this village, assaults or attacks any person, is at large within the village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the village for any damages it sustains for improper or illegal seizure.~~

~~(c) *Claiming animal; disposal of unclaimed animals.* After seizure of animals under this section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three public places in the village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the animal shelter for ten days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the village board. No animal shall be released from the pound without being properly licensed if so required by state law or village ordinance.~~

~~(d) *Sale of impounded animals.* If the owner doesn't reclaim the animal within seven days, the animal warden may sell the animal to any willing buyer.~~

~~(e) *Village not liable for impounding animals.* The village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.~~

(a) Unrestrained and nuisance animals shall be taken by authorized employees of the Police Department and impounded in a temporary or permanent animal shelter and there confined in a humane manner.

(b) When an animal has become a public nuisance animal and its owner or custodian cannot be contacted at the time of the complaint, it may be impounded by authorized employees of the Police Department

after an attempt to contact the owner or custodian is unsuccessful. After impoundment, reasonable attempts shall be made to contact the owner.

(c) An owner or custodian reclaiming an impounded animal shall pay the accrued impoundment fee and comply with provisions of Section 6-4(a).

(d) Any animal not reclaimed by its owner or custodian within seven (7) days becomes the property of the local government authority or humane society and shall be placed for adoption in a suitable home, or if a prohibited dangerous animal, humanely euthanized in lieu of placement for adoption.

Sec. 6-9 Dogs and cats restricted on cemeteries.

No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this section.

Sec. 6-10 ~~Duty of owner in case of dog or cat bite.~~

~~Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the police department and shall keep such dog or cat confined for not less than ten days or for such period of time as a licensed veterinarian shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.~~

Report of animal bites and scratches

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

Sec. 6-11 Animal feces.

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

Sec. 6-12 Injury to property by animals.

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

Sec. 6-13 Barking dogs or crying cats.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this section when two formal, written complaints are filed with the village board within a four week period.

(Code 2006, § 7-1-12)

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

(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 (Rhinocero tidae).
- (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)

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

Sec. 6-15 Providing proper food and drink to confined animals.

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

Sec. 6-16 Providing proper shelter.

- (a) *Proper shelter.* No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) *Indoor standards.* Minimum indoor standards of shelter shall include:
- (1) *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.
 - (2) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) *Outdoor standards.* Minimum outdoor standards of shelter shall include:
- (1) *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this subsection, the term "caged" does not include farm fencing used to confine farm animals.
 - (2) *Shelter from inclement weather.*
 - a. *Animals generally.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - b. *Dogs.* If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) *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.
- (e) *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.

Sec. 6-17 Neglected, abandoned and injured animals.

- (a) *Neglected or abandoned animals.*
- (1) No person may abandon any animal.
 - (2) Any law enforcement or humane officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases, the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
 - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
 - (4) Whenever in the opinion of any such officer an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
 - (5) Wis. Stats. § 173.10, Investigation of Cruelty Complaints, and Wis. Stats. § 173.24, Expenses of Investigation, are hereby adopted by reference and made a part of this chapter.
- (b) *Injured animals.* No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the village or any animal control agency with whom the village has an

agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

Sec. 6-18 Cruelty to animals and birds prohibited.

(a) *Acts of cruelty prohibited.* No person except a police officer or health or humane officer in the pursuit of his duties shall, within the village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.

(b) *Leading animal from motor vehicle.* No person shall lead any animal upon a village street from a motor vehicle or from a trailer or semitrailer drawn by a motor vehicle.

(c) *Use of poisonous and controlled substances.* No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Wis. Stats. § 161.14, whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection shall not apply to poison used on ones' own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

(d) *Use of certain devices prohibited.* No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices; a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.

(e) *Shooting at caged or staked animals.* No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a manmade enclosure, regardless of size.

Sec. 6-19 Trapping of animals.

(a) In the interest of public health and safety, it shall be unlawful for any person, in or on land, including village properties, within the village, except on parcels zoned agricultural, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.

(b) This section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.

(c) All such traps set, placed or tended shall comply with Wis. Stats. ch. 29 (Wis. Stats. § 29.301 et seq.) as they relate to trapping.

(d) This section shall not apply to trapping within the confines of buildings or homes.

(e) Nothing in this section shall prohibit or hinder the village or its employees or agents from performing their official duties.

State law references: Hunting and trapping regulations, Wis. Stats. § 29.301 et seq.

Sec. 6-20 Dognapping and catnapping.

No person may take the 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 society agents engaged in the exercise of their official duties, or as otherwise permitted herein.

Sec. 6-21 Limitation on number of dogs.

(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.

Sec. 6-22 Keeping of bees.

(a) Except on parcels zoned agricultural, it shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the village unless the bees are kept in accordance with the following provisions:

(1) No hive, stand or box where bees are kept shall be located closer than ten feet to any property boundary.

(2) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial. Bees shall not be kept in a front yard area.

(3) Fresh, clean watering facilities for bees shall be provided on the said premises.

(4) The bees and equipment shall be kept in accordance with the provisions of the state statutes.

(b) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school building for the purpose of study or observation.

Sec. 6-23 Feeding of deer prohibited

No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer.

(1) *Presumption.* There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:

a. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon at the height of less than six feet off the ground.

b. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material.

(2) *Exceptions.* This chapter shall not apply to the following situations.

a. *Hunting.* The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.

b. *Naturally growing materials.* Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, gardens and other vegetable materials maintained as a mulch pile.

c. *Bird feeders.* Unmodified commercially purchased bird feeders or their equivalent.

- d. *Authorized by the village board.* Deer feeding may be authorized on a temporary basis by the village board for a specific public purpose as determined by the village board.

Sec. 6-24 Report of vehicle striking animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall immediately report such injury or death to the animal's owner or custodian. If the owner or custodian cannot be ascertained and located, such operator shall at once report the accident to the Police Department or to the Humane Society.

Sec. 6-25 Procedure for declaring an animal as a dangerous animal.

(a) Upon conducting an investigation a law enforcement officer may issue an order declaring an animal to be a dangerous animal. Whenever an owner or custodian wishes to contest an order, he or she shall, within seventy-two (72) hours after receipt of the order, deliver to the Village Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Village Board to be reviewed at the next regular meeting. The Village Board shall act as a quasi-judicial body allowing the animal's owner or custodian an opportunity to present evidence as to why the animal should not be declared dangerous.

(b) After the hearing, the owner or custodian shall be notified in writing of the Village Board's determination. If the Village Board upholds the determination that the animal is dangerous, the owner or custodian shall comply with the requirements of Section 6-26. If the owner or custodian further contests the determination, he or she may, within five (5) days of receiving the Village Board's decision, seek review of the decision by the Circuit Court.

(c) Upon an animal being declared dangerous, the owner or custodian shall immediately comply with leashing, muzzling and confinement requirements of Section 6-26 with all other requirements in that section being satisfied within thirty (30) days of the dangerous declaration or reaffirmation thereof, or within such time as established by the Village Board.

Sec. 6-26 Harboring dangerous animals.

(a) Dangerous animals regulated.

(1) No person may harbor or keep a dangerous animal within the Village unless all provisions of this section are complied with. Any animal that is determined to be a prohibited dangerous animal under this division shall not be kept or harbored in the Village.

(2) The issuance of a summons for a violation of this section need not be predicated on a determination that an animal is a dangerous animal.

(b) Registration. The owner of any animal declared dangerous, shall register it with the Police Department upon disposition, and annually thereafter on or before April 1 of each year, by providing a current color photograph of the animal, payment of a seventy-five dollar (\$75.00) registration fee, and proof of liability insurance as outlined in section (g).

(c) Leash and muzzle.

(1) No owner or custodian, harboring or having the care of a dangerous animal may permit such an animal to go outside its dwelling, kennel or pen unless the animal is securely restrained with a leash no longer than four (4) feet in length.

(2) No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its dwelling, kennel or pen unless a person who is sixteen (16) years of age or older, competent to govern the animal and capable of physically controlling and restraining the animal, is in physical control of the leash.

(3) A dangerous animal may be securely leashed or chained to an immovable object, with the owner or custodian being in the physical presence of the animal at all times when it is so leashed or chained.

(4) A dangerous animal outside of the animal's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.

(d) Confinement.

(1) Except when leashed and muzzled, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or custodian and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.

(2) When constructed in a yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this paragraph. The pen or kennel shall be childproof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences (at least two (2) feet) shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two (2) feet. All structures erected to house dangerous animals shall comply with all Village zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Indoor Confinement. No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or custodian that would allow the animal to exit the building on its own volition. No dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.

(e) Signs. The owner or custodian of a dangerous animal shall display, in prominent places on his or her premises near all entrances to the premises, signs in letters of not less than two (2) inches high warning that there is a dangerous animal on the property. A similar sign is required to be posted on the kennel or pen of the animal. In addition, the owner or custodian shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

(f) Spay and neuter requirement. Within thirty (30) days after an animal has been designated dangerous, the owner or custodian of the animal shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.

(g) Liability insurance. The owner or custodian of a dangerous animal shall present to the Police Department a certificate of insurance that the owner or custodian has procured liability insurance in an amount not less than \$1,000,000 for any personal injuries inflicted by the dangerous animal. Whenever such policy is cancelled or not renewed, the insurer and animal's owner or custodian shall notify the Police Department of such cancellation or non renewal in writing by certified mail.

(h) Waiver by Village Board. Upon request, by the owner or custodian, the Village Board may waive any requirement specified in subsections (a) through (g) that is deemed to be inappropriate for a particular dangerous animal.

(i) Notification. The owner or custodian shall notify the Police Department within twenty-four (24) hours if a dangerous animal is at large, is unconfined, has attacked another animal, has attacked a human being or has died. No person may sell or transfer possession of a dangerous animal to another person without first notifying the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal and of any requirements imposed upon the selling or transferring party by this division. No person may sell or transfer possession of a dangerous animal to another person, agency, organization or the like without first notifying the Police Department in writing, at least three (3) days in advance of the sale or transfer of possession with the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the Village, the owner or custodian shall present evidence to the Police Department showing that he or she has notified the Police Department, or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner of the dangerous animal.

(j) Euthanasia. If the owner or custodian of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the animal in accordance with this section, he or she may have the animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.

(k) Waiver. The Village Board may waive the provisions of subsections (b) to (g) for a law enforcement or military animal upon presentation by the animal's owner or handler of satisfactory arrangement for safe keeping of the animal.

Sec. 6-27 Certain animals not to be declared dangerous or prohibited dangerous

Notwithstanding the definition of a dangerous animal or prohibited dangerous animal in section 6-1:

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

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

(c) No animal may be declared dangerous or prohibited dangerous for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

Sec. 6-28 Prohibited dangerous animals / Declaration, Destruction, and Enforcement

(a) Not allowed in Village. No person may bring into or keep in the Village any animal that is a prohibited dangerous animal under this section.

(b) Declaration of a prohibited dangerous animal.

(1) The Police Department may declare an animal to be a prohibited dangerous animal whenever the Police Department finds that an animal meets the definition of prohibited dangerous animal or is a dangerous animal in non-compliance with any of the provisions of Section 6-26.

(2) Upon conducting an investigation and finding an animal meets the definition of a prohibited dangerous animal, the Police Department may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or custodian wishes to contest an order, he or she shall, within seventy-two (72) hours after receipt of the order, deliver to the Village Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Village Board to be reviewed at the next regular meeting. The Village Board shall act as a quasi-judicial body allowing the animal's owner or custodian an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.

(3) Pending the outcome of the hearing, the animal may be confined subject to Sec. 173.21, Wis. Stats., or held at a location outside the limits of the Village.

(4) After the hearing, the owner or custodian shall be notified in writing of the Village Board's determination. If a determination is made that the animal is a prohibited dangerous animal, the owner or custodian shall comply with subsection (a) within five (5) days after the date of the determination. If the owner or custodian further contests the determination, he or she may, within five (5) days of receiving the Village Board's decision, seek review of the decision by the Circuit Court.

(c) Destruction. Any dog that has caused bodily harm to a person, persons or a domestic animal on two (2) separate occasions off the owner's premises, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under sec. 174.02(3), Wis. Stats. The Village Attorney may petition an appropriate court to obtain a court order to destroy such a dog.

(d) Enforcement. The Police Department may make whatever inquiry is deemed necessary to ensure compliance with this section.

(e) Waiver. The Village Board may waive the provisions of this section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

6-29 Penalty

(a) Any person violation Sections 6-15 through 6-26 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the

Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining the person from violating any aspects of this Ordinance.

(b) Any person who violates Sections 6-2 through 6-6, of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.

(c) An owner who refuses to comply with an order issued under Section 6-6 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1000.00) or imprisoned not more than sixty (60) days or both.

(d) Any person who violates Sections 6-7 through 6-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.

(e) Any owner who refuses to comply with Section 6-28 of this Code of Ordinances shall be fined not less than One Hundred Dollars (\$100.00) nor more than Four Hundred Dollars (\$400.00). Each day the animal is kept within the Village in violation of Section 6-28 will constitute a separate occurrence.

(f) This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining the person from violating any aspects of this Ordinance or to affirmatively order conditions of confinement or destruction.

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 adoption and following required posting or publication.

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: December 22, 2010

Approved and adopted: January 19, 2011

VILLAGE OF LITTLE CHUTE

By: _____
Charles Fischer, Village President

Attest: _____
Vicki Schneider, Village Clerk