

COVER PAGE FOR ANIMAL ORDINANCE

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CHAPTER 11

ANIMALS

11.01 DEFINITIONS.

In this chapter:

A. "Animal" includes every living:

1. Warm-blooded creature, except a human being;
2. Reptile; or
Amphibian; or
Bird.

B. "Owner" shall mean any person owning, harboring, or keeping an animal, and the occupant of any premises on which an animal remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the animal within the meaning of this section.

C. "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 an animal within an automobile of its owner or in an automobile of any other person with the consent of the animal's owner shall be deemed to be upon the owner's premises.

11.02 MISTREATING ANIMALS.

No person may treat any animal, whether belonging to the person or another, in a cruel manner. No person shall cruelly treat, inhumanely beat, under feed, overload, or abandon any animal in the Town. No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome.

11.03 ANIMALS AT LARGE.

A. No person, owner, or custodian shall permit an animal to be at large within the Town. Any animal shall be deemed to be at large when it is off the premises owned or leased by its owner or custodian unless crated, penned, or under the control of a person able to control the animal by means of a leash of sufficient strength to control the action of the animal or such other personal attention as will reasonably control the conduct and actions of the animal.

No person, owner, or custodian shall permit any animal to be left unattended within 5 feet of a public right-of-way.

Such public rights-of-way include, but are not limited to, sidewalks, streets, alleys, and parking lots.

Unattended animals shall include those animals which are crated, penned, or leashed but which are without personal supervision or control sufficient to properly restrain the animal.

B. No person shall permit any animal owned by or under the control of such person to trespass or be upon the property of another person without the owners or occupants permission.

11.04 DANGEROUS OR WILD ANIMALS.

A. Members of the Police Department, or any peace or health officer in the Town are authorized to kill any animal, bird, or reptile when it is necessary to protect persons or to prevent the communication or spread of infection or disease.

No person may keep any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, hyena, coyote, wolf, wolf hybrid, alligator, poisonous snake or eagle, or other like dangerous wild animal, reptile, bird or creature in any place within the Town other than in a safely and properly maintained zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital, designated pound or animal refuge, or in a well-secured vehicle, while being transported without delay to or from any such authorized place or through the Town. Any such animal that is within the Town at any time without being safely and properly maintained as authorized under any of the foregoing is declared to be a public nuisance and shall be dealt with in accordance with the provisions of Chapter 3 of this code of Ordinances.

It shall be no defense that the keeper of any such animal contrary to the provisions hereof has attempted to domesticate same.

11.05 NOISY ANIMALS.

A. No person shall harbor or keep any animal, bird or reptile which disturbs the peace by loud or unusual noises, at any time of the day or night.

B. No owner or person in control of any dog shall suffer, permit or allow such animal to bark or bay in such a manner as to detrimentally affect the peaceful repose of one or more property owners or residents of the immediate area, and within earshot of the barking or baying. In determining whether the noise detrimentally affects peaceful repose, the volume of the noise, time of day, length of time the noise persists, the location of the animal, and prior substantiated complaints shall be relevant. Where a dog is left unattended out-of-doors, it shall be presumed the owner or person in control is permitting the noise.

11.06 DOGS LICENSED.

A. It shall be unlawful for any person in the Town of New Denmark to own, harbor, or keep any dog more than six months of age without complying with the provisions of Section 174.10, Wisconsin Statutes, relating to the listing, licensing, and tagging of the same.

B. The fact that a dog is without a license attached to a collar shall be presumptive evidence that the dog is unlicensed. No action shall be maintained for an injury to or the destruction of a dog without a tag unless it shall appear that a tag has been properly attached to the collar of the dog and has been lost or removed without the knowledge of the owner.

C. The Pound Master or Constable or a duly authorized humane society officer shall seize, impound, or restrain any dog found running at large; any such officer shall enter the premises of the owner to seize, restrain, impound, or kill any dog found in any place without a license.

11.07 MANNER OF KEEPING.

It shall be unlawful for any person in the Town of New Denmark to own, harbor, or keep any dog which:

A. Habitually pursues any vehicle upon any public street, alley, or highway of the Town.

B. Assaults or attacks any person.

C. Is at large within the limits of the Town.

D. Habitually barks or howls to the annoyance of any person or persons.

E. Kills, wounds, or worries any domestic animals.

F. 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.

11.08 LIMITING NUMBER OF DOGS ON RESIDENTIAL OR AGRICULTURAL LOT.

A. The keeping of a large number of dogs in a residential or agricultural district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of dogs is, therefore, declared to be a public nuisance.

B. "Dog" shall mean any canine, regardless of age or sex.

C. "Residential lot" shall mean a parcel of land zoned as residential or agricultural, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Ordinance, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

D. No person shall own, harbor, or keep in his possession more than three (3) dogs on any lot zoned as residential or agricultural, with the exception that a litter of pups or apportion of a litter may be kept for a period of time not exceeding eight (8) weeks from birth. If more than

one family resides on any particular lot, then the party exceeding the limitation imposed by this Ordinance is in violation thereof.

E. Any person with more than three (3) dogs on any lot zoned as residential or agricultural land must have a kennel license which must be obtained from the Town Board.

F. The provisions of Wisconsin Statutes Section 174.06 shall apply to licensing of kennels. The annual license tax shall be \$20.00.

11.09 NUISANCE ANIMALS.

Whereas animals, birds, and reptiles may have propensities to or may otherwise cause noise or odor or perform actions which may disturb persons in the reasonable use and enjoyment of property, or cause annoyance, discomfort or injury to the health or welfare of persons, the keeping of any animal, bird, or reptile in conflict with any provision of this Chapter is declared to be a public nuisance, and such animal, bird, or reptile may be impounded as provided by law.

11.10 ANIMALS CAUSING DAMAGE OR INJURY.

Every owner or person harboring or keeping a dog, who knows that such dog has bitten any person, shall immediately report such fact to the Health Officer and shall keep such dog confined for not less than 14 days or for such period of time as the Health Officer shall direct. The owner or keeper of any such dog shall surrender the dog to the Health Officer or any Town police officer upon demand for examination.

11.11 KEEPING NUISANCE ANIMALS.

The keeping of any animal, fowl, reptile, mammal or bird which affects or disturbs the public health, public peace, public safety or public decency is a public nuisance and is prohibited within the Town. No action shall be taken under this subsection unless and until the Town investigates, and they have ascertained that the raising or keeping of a particular animal, fowl, reptile, mammal or bird within the Town reasonably constitutes a condition which is detrimental to the public health, safety or welfare. For purposes of enforcing this subsection, any member of the Town Board, Health Officer, Town Manager, Police Department, Zoning Administrator, Building Inspector, or other peace officer may enter any premise for the purpose of inspection. Any person who violates any provision of this subsection shall be notified by the Town of the determination that a public nuisance exists on his/her premises. Each day that the condition continues after notification by the Town shall be considered a separate violation of this subsection.

11.12 PROHIBITED AMPHIBIANS, ARACHNIDS OR REPTILES.

No person, firm or corporation shall bring into, keep, maintain, offer for sale or barter, or release to the wild in the Town of New Denmark:

A. any poisonous or venomous biting or injecting species or amphibian, arachnid or reptile (including snakes);

- B. any snake not indigenous to Wisconsin;
- C. any snakes indigenous to Wisconsin of the following species, upon attaining a length of five (5) feet or more:
 - 1. The pilot black snake (*Elaphe obsoleta obsoleta*).
 - 2. Bull snake (*Pituophis melanoleucas sayi*).
 - 3. Fox snake (*Elaphe eupina eulpina*).

11.13 EXCEPTIONS.

This Ordinance shall not prohibit a circus or like entertainment organization, an educational or medical institution, the Department of Parks and Recreation, or a person designated by the Health Officer, from keeping such animal where the same are securely and humanely confined.

11.14 DOG-NAPPING AND CAT-NAPPING.

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 this town 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 the official duties.

11.15 DECOMPRESSION PROHIBITED.

No person may kill an animal by means of decompression.

11.16 LEADING ANIMAL FROM MOTOR VEHICLE.

No person shall lead any animal upon a highway or roadway from a motor vehicle or from a trailer or semi trailer drawn by a motor vehicle.

11.17 TRANSPORTATION OF ANIMALS.

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

11.18 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 Sub. III Ch. 961 Wis. Stats., whether mixed with meat or other food or not, so that the substance is liable to be eaten by an animal and for the purposes 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.

11.19 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 man-made enclosure, regardless of size.

Nothing in this section prohibits the shooting of any wild game in its wild state or the shooting of game birds and waterfowl at licensed game farms or licensed shooting preserves.

11.20 SALE OF BABY RABBITS, CHICKS AND OTHER FOWL.

A. No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl unless the person provides proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in the person's possession.

B. No retailer, as defined in Chapter 100.30(2)(e), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under 2 months of age in any quantity less than 6 unless in the business of selling these animals for agriculture, wildlife or scientific purposes.

11.21 ARTIFICIALLY COLORED ANIMALS; SALE.

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

11.22 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.

A. FOOD. The food shall be sufficient to maintain all animals in good health.

B. WATER. If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

11.23 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 in Brown County.

A. INDOOR STANDARDS. Minimum indoor standards of shelter shall include:

1. Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

2. Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

B. **OUTDOOR STANDARDS.** Minimum outdoor standards of shelter shall include:

1. Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

2. Shelter from inclement weather.

3. 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.

4. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

C. **SPACE STANDARDS.** Minimum space standards 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 move excreta and other waste materials, dirt and trash so as to minimize health hazards.

11.24 KEEPING OF VICIOUS DOGS REGULATED.

A. **DEFINITIONS.** The terms used in this section are defined as follows:

1. Vicious Dog.

a. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

b. Any dog which attacks a human being or another domestic animal without provocation.

c. Any dog owned or harbored primarily or in part for the purpose of dog-fighting, or any dog trained for dog-fighting.

B. REQUIREMENTS AND PROHIBITIONS.

1. Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash.

The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval by the Police Department.

2. Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. 1 above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides.

A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Town. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

3. Confinement Indoors. No vicious dog may be kept on a porch, patio or in part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog 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 dog from exiting the structure.

4. Prohibited In Multiple Dwellings. No vicious dog may be kept within any portion of any multiple building.

5. Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware Of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

6. Insurance. All owners, keepers or harborers of vicious dogs shall within 30 days of the effective date of this section, provide proof to the Police Department of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any

person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Department. The owner or custodian of the dog shall produce evidence of the required insurance upon request of the Police Department or any other law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

C. **VICIOUS DOG DETERMINATION.** The Police Department shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious", as defined in sub. A above. In the event the Police Department makes a determination that the dog is "vicious", he or she shall so inform the owner, keeper or harbinger of such dog and provide such person with a copy of this section.

D. **APPEAL OF VICIOUS DOG DETERMINATION.** Any person aggrieved by the determination of the Police Department, as provided in sub.C above, may appeal such determination by submitting a written appeal to the Town of New Denmark Town Board within 10 days of such determination.

E. **COMPLIANCE.** Within 10 days of the determination that a dog is vicious, as provided in sub. C above, or 10 days after an unsuccessful appeal under sub. D above, the owner, keeper or harbinger of a vicious dog shall either comply with all provisions of this section or dispose of such dog.

F. **DISPOSITION OF VICIOUS DOGS.** Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by the Police Department or any police officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

11.25 ENFORCEMENT AUTHORITY.

The Town Health Officer and/or Police Department shall have authority to enforce the provisions of this Ordinance, including but not limited to, seizing any animal which the Health Officer and/or Police Department reasonably believes has been taken, employed, used or possessed in violation of this Ordinance. The Zoning Administrator and Building inspector may enforce any provisions of this chapter which relates to his or her position.

11.26 DISPOSITION.

Any seized animal under this chapter shall be held by the Health Officer and/or Police Department until that animal is identified as to genus and species in order to ascertain if the animal is an endangered species under Section 29.604 Wis. Stats.

11.27 PENALTY.

A. Any person, firm, or corporation who shall violate any provision of this Ordinance shall be punished by a forfeiture of not less than \$10 nor more than \$25, and upon failure to pay said forfeiture shall be confined to the county jail for not more than five (5) days.

B. Any person, firm, or corporation found guilty of violating any provisions of this Ordinance, who shall previously have been convicted of a violation of said Ordinance, shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 for each such offense, together with the costs of prosecution, and in default of payment of forfeiture and costs shall be imprisoned in the county jail until said forfeiture and costs of prosecution are paid, but not to exceed six (6) months.

11.28 EFFECT.

This Ordinance shall take effect upon its passage and publication according to law.

3/9/2009