

## **PART II LICENSES AND REGULATIONS**

### **Chapter 22 ANIMALS**

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#### **22.01 Purpose and intent**

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

#### **22.02 State law adopted**

The provisions of Section 95.21 and Chapter 174, Wisconsin Statutes, exclusive of penalties, are adopted by reference and are made part of this chapter, so far as applicable. This chapter meets the criteria of adoption for participating in the rabies control program as approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

#### **22.03 Definitions**

- A. Animal. Any live, vertebrate creature, domestic or wild.
- B. Animal at-large. An animal shall be deemed to be at large when off the owner's property and not under restraint or control.
- C. Animal control officer: Any person designated by village of Lake Delton to enforce village ordinances and state statutes, adopted by reference, as they pertain to animal control.
- D. Animal shelter. Any facility operated by Sauk County, humane society or village of Lake Delton, or authorized agents, for the purpose of impounding and caring for animals held under the authority of this chapter or state law.
- E. Confined. Restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure.
- F. Domestic animal. Any animal that normally can be considered tame and converted to home life.

G. Dwelling unit. A building or portion thereof, designed or used exclusively for residential purposes.

H. Health officer. Sauk County health nurse or a duly designated representative.

I. Kennel. Any premises wherein any person engages in the business of boarding, breeding, (more than one (1) litter per year) buying, letting for hire, or selling dogs, (buying or selling more than three (3) adult dogs per year).

J. Licensing authority. The licensing authority shall be the village of Lake Delton.

K. Owner. Any person who owns, harbors or keeps an animal. Where an animal is kept by a family, the head of the household shall be responsible for this chapter's requirements. Any animal shall be deemed to be harbored if it is fed and sheltered.

L. Public nuisances. Any animal or animals that:

1. Molests passersby, or passing vehicles;
2. Attacks persons or animals without provocation when they were peacefully conducting themselves, where they were lawfully entitled to be off the owner's property;
3. Trespasses on school ground, parks or cemeteries;
4. Is repeatedly at-large
5. Damages private or public property;
6. Barks, whines or howls in an excessive, continuous or untimely fashion.

M. Render Sterile; Refers to a surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring, includes neutering and spaying.

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

O. Veterinary hospital (clinic). Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosing and treating animal disease and injuries.

P. Vicious animal. Any animal that when unprovoked, inflicts bites, injures, kills or attacks a human being or domestic animal on either public or private property, off the property of the owner.

Exceptions. Notwithstanding the definition of a "vicious animal" above:

1. No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such was sustained, was committing a trespass of the land or criminal trespass of the dwelling upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime or violating or attempting to violate an ordinance that protects person or property.
2. No animal may be declared vicious if death, injury or damage was sustained by a domestic animal that, at the time such was sustained, was teasing, tormenting, abusing or assaulting the animal.
3. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
4. No animal may be declared vicious for acts committed by said animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

Q. Wild Animal. Any live raccoon, skunk, fox, wolf, poisonous snake or any snake exceeding three (3) feet in length, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, which can normally be found in the wild state.

- R. Exotic domestic animal. Any wild animal that is not native to Wisconsin and may have been domesticated, such as ferrets and primates.
- S. Trained individual. Has the meaning as defined in Wisconsin Administrative Code, AG

**22.04 Dog license required**

- A. Any person owning, keeping, harboring or having custody of any dog over five (5) months of age within the village of Lake Delton must obtain a license as herein provided.
- B. Written application for licenses shall be made to the village clerk, on a form provided by the clerk that shall include applicant's name and address, description of the animal, the appropriate fee and rabies certificate issued by a licensed veterinarian. ONLY a licensed veterinarian may administer a rabies vaccination and sign a rabies certificate.
- C. Licenses for the keeping dogs shall be for a period of one (1) calendar year.
- D. Application for license must be made within thirty (30) days after obtaining a dog over four (4) months, except this requirement will not apply to a nonresident keeping a dog within the village for not longer than thirty (30) days.
- E. Licensing fees shall not be required for seeing-eye dogs for blind or deaf persons, or governmental dogs. Every person owning such a dog shall receive, annually, a free dog license upon application.
- F. Upon accepting the license application, fee and rabies certification, the village clerk shall issue a durable tag stamped with an identifying number and the year of issuance. Tags should be designed so they may be conveniently fastened or riveted to the animal's collar or harness.
- G. Dogs must wear license and rabies vaccination tags at all times when off the premises of the owner. Exceptions: (1) dogs during competition, (2) training, (3) securely confined indoors, (4) while hunting, (5) securely confined in a fenced area, and (6) herding or controlling livestock.
- H. The village clerk shall maintain a record of the identifying numbers of all tags and shall make this record available to the public.
- I. The license year commences on January 1 and ends on the following December 31. Applications for license may be made thirty (30) days prior to the license year. Persons apply for a license during the license year shall be required to pay fifty percent (50 %) of the fee stipulated in this section if the animal becomes five (5) months of age after July 1 of the licensing year.
- J. The village clerk shall assess and collect a late fee of five dollars (\$5.00) if the owner fails to obtain a license proper to April 12 of each year, or within thirty (30) days of the acquiring ownership of a licensable animal, or if the owner failed to obtain a license on, or before, the animal reaching five (5) months of age.
- K. A license shall be issued after showing evidence of current rabies vaccination and payment of the applicable fee. Evidence of neutering, spaying or other method of rendering the animal sterile, or other method of rendering the animal sterile, from a licensed veterinarian, will be required.
  - 1. For each dog not rendered sterile \$8.00
  - 2. For each dog rendered sterile \$3.00
- L. A duplicate license may be obtained upon payment of two dollars (\$2.00) replacement fee.
- M. No person may use any license for any animal other than the animal for which it was issued.

### **22.05 Kennel license required**

A. Every operator of a kennel, as defined by this chapter, shall on January 1 of every year, or upon commencement of operation, pay to the village clerk, the established kennel license fee and obtain a license therefore. Kennel operators must have dogs vaccinated for rabies. Kennel operators are not required to license individual animals. No kennel fee is to be required of any veterinary hospital (or clinic) or animal shelter. Kennel location is subject to applicable zoning and other village regulations.

B. An annual license shall be issued upon payment of the applicable fee:

1. For each kennel housing twelve (12) or fewer dogs, the fee is \$75.00 for twelve (12) dogs.

2. For each dog, over twelve (12) not rendered sterile, an additional \$8.00 per dog.

3. For each dog, over twelve (12) rendered sterile, an additional \$3.00 per dog.

### **22.06 Rabies vaccination required**

A. The dog owner shall have the animal vaccinated by a veterinarian within thirty (30) days after the animal reaches three (3) months of age. An owner who imports an animal into the village of Lake Delton, that has reached three (3) months of age, must have the animal vaccinated by a licensed veterinarian, as evidenced by a current certificate of rabies vaccination from Wisconsin or another state.

B. The owner of an animal shall have the animal re-vaccinated:

1. Within one (1) year after initial vaccination;

2. Before the date the immunization expires as stated on the certificate;

3. If no date is specified, within one (1) year after the previous vaccination.

C. If any animal, with a current rabies certificate, is involved in a bite incident, the owner shall isolate and confine the animal, under a licensed veterinarian's supervision for at least ten (10) days from the date of the incident.

1. Supervision of a veterinarian includes, at a minimum:

a. Examination of the animal on the first day by a licensed veterinarian or a trained individual,

b. Examination of the animal on any day between day two (2) and day nine (9) by a licensed veterinarian or a trained individual,

c. Examination of the animal on the tenth (10) by a licensed veterinarian only.

D. Any animal involved in a bite incident, that has not been vaccinated, or has not been re-vaccinated within the prescribed times, must be confined at a place the village of Lake Delton or its animal control officer designates.

E. Any animal bite or scratch that requires medical treatment shall be reported to the village of Lake Delton Police Department.

F. The owner of any animal involved in a bite incident is responsible for any expenses incurred.

G. Failure of the owner to deliver an animal to a veterinarian or place of quarantine, as directed, within twenty-four (24) hours, shall be grounds for a judge to issue an order authorizing the animal control officer or responsible agency to seize said animal and make such delivery as intended at the owner's expense.

### **22.07 Restraint required**

- A. All animals shall be kept under restraint, and shall not be permitted to run at large.
- B. All owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.

### **22.08 Vicious animal requirements**

Any animal declared vicious shall comply with the following requirement:

- A. While on the owner or caretaker's property, a vicious animal must be:
  - 1. Securely confined indoors, or
  - 2. In a securely enclosed and locked pen or structure, suitable to prevent young children from entering and designed to prevent the animal from escaping.
- B. While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a substantial chain or leash not exceeding four (4) feet in length and under the control of a responsible person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting any person or animal.
- C. In the case of livestock, nothing in this section shall be construed as imposing shelter requirements of standards more stringent than normally accepted husbandry practices.

### **22.09 Animal care conditions**

- A. Chains, ropes or leashes shall be so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length to allow the animal proper exercise and convenient access to food, water and shelter. Such chains, ropes or leashes shall be located so as not to allow such animal to trespass on public or private property belonging to others or in such a manner as to cause harm or danger to persons or other animals.
- B. No person shall fail to provide any animals he owns, harbors or has custody of with veterinary care when needed to prevent suffering.
- C. No person shall beat, cruelly ill-treat, torment, overload, overwork, otherwise abuse an animal, or use any device or chemical substance whereby pain, suffering or death may be caused, whether belonging to himself or another, except that reasonable force may be used to drive off vicious or trespassing animals. This provision does not prohibit training techniques or husbandry practices that are acceptable under Wisconsin law.
- D. No person shall abandon any animal he owns, harbors or has custody of.
- E. No person shall transport any animal in his possession in a manner that could cause injury, pain, undue stress or death to an animal.
- F. No person shall give away any live animal, fish, reptile or bird as a prize for or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- G. No person shall cause, instigate or permit any dogfight, cockfight or other combat between animals or between animals and humans.
- H. Chickens or ducklings or other fowl younger than eight (8) weeks of age may not be given away, bartered or sold in quantities of less than six (6) to a single purchaser.
- I. No person shall expose any poisonous substances, whether mixed with food or not, so the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property poisons designed for the purpose of rodent or pest extermination.

This provision shall not prohibit health Department personnel or licensed pet-control operators from providing rodent or pest-control services.

J. Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall attempt to report such injury or death to the animal's owner or the village of Lake Delton Police Department.

#### **22.10 Animal waste**

A. The owner or person having immediate control of any animal shall immediately remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon public or non-animal-owner private property. This shall not be applicable in cases in which a person is being assisted by a seeing-eye dog.

B. All pens, yards, structures or area, where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly so not to attract insects or rodents, becoming unsightly or cause objectionable odors.

#### **22.11 Keeping livestock prohibited**

A. Keeping horses, swine, goats, cattle, poultry or any other farm animals in any part of the village is hereby prohibited, and after due notice to the owner or person in charge, the same shall be removed or caused to be removed within such time as the village may specify in said notice.

B. This section shall not apply keeping ordinary household pets.

#### **22.12 Livestock structures**

A. No person shall erect, construct or place, or cause to be erected, constructed or placed, except for the village's use, any barn, shed, hovel, hay or straw stack or any pen or other structure wherein cattle, horses, mules, hogs, sheep or other farm animals shall be placed, kept, or fed or that shall be used for placing, keeping or feeding of any such animals.

B. Any structure constructed in violation of subsection A is deemed a nuisance, and shall be removed by the village if the owner fails to remove the same within thirty (30) days after notice, and the owner or person maintaining the same shall be liable to the village for such removal cost.

#### **22.13 Outdoor privies prohibited**

A. No person shall erect, construct or place, or cause to be erected, constructed or placed, any outdoor privy within the village.

B. Any structure constructed in violation of subsection A is deemed a nuisance, and shall be removed by the village if the owner fails to remove the same within thirty (30) days after notice, and the owner or person maintaining the same shall be liable to the village for such removal cost.

#### **22.14 Enforcement**

A. The village of Lake Delton Police Department or other persons authorized by the chief of police shall enforce the civil and criminal provisions of this chapter. This chapter may be enforced by citation or civil forfeiture.

B. The village of Lake Delton Police Department is authorized to catch and impound animals at large with such authorization to include the pursuit of animals upon non-animal-owner private property. It shall be a violation of this chapter to interfere with any law enforcement officer or animal control officer in the performance of his duties.

### **22.15 Penalties**

A. Any person, agent, firm or corporation violating any provision of this ordinance shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) or more than one hundred dollars (\$100.00) for any offense. In default of payment of such forfeiture and costs, such violator shall be imprisoned in the County jail of Sauk County, Wisconsin, until the forfeiture and costs are paid, but not exceeding thirty (30) days for each violation. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

B. Any person who violates sections 22.11–22.13 of this chapter shall be liable for a fine of not less than ten (\$10) nor more than one hundred (\$100.00) dollars, and upon failure to pay such fine shall be confined in the Sauk County Jail for not more than thirty (30) days. Each day that a violation of any of the provisions of these sections shall continue shall constitute a separate offense.