

TITLE 7

Licensing and Regulation

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Regulation of Animals

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Sec. 7-1-1 Definitions.

- (a) **Definitions.** In this Chapter, unless the context or subject matter otherwise requires in specific sections of this Chapter, the following definitions shall be applicable:

- (1) **Animal.** Any live mammalian vertebrate creature or fowl, or any reptile, domestic or wild.
- (2) **Animal Control Authority.** The persons and entities responsible for enforcement of the animal control laws of the Village of Elk Mound, or such person as is designated by the Village Board (law enforcement officer or animal control officer), whether acting alone or in concert with other responsible persons and/or local governmental units.
- (3) **Animal Control Enforcement Officer.** Any individual employed, contracted with, or appointed by the Village of Elk Mound for the purpose of enforcement of this Chapter.
- (4) **At large.** To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog, cat or other animal within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog, cat or other animal shall be deemed to be upon the owner's premises. The owner of an animal may raise an affirmative defense that any animal not under the control of some person by leash is in fact under control by command or other reasonable means. A dog, cat or other animal is not at large if it is in the presence of its owner, is fully controlled, is trained and is in a public park or other public recreational area. [See Sec. 7-1-6(b) standards for leash control].
- (5) **Bodily Harm.** Significant bodily injury including, but not limited to, a serious bruise, abrasion, or scratch requiring medical attention; laceration requiring stitches; bite mark or puncture; any fracture of a bone; a concussion; a loss or fracture of a tooth; internal injuries; torn ligaments; injury which causes a substantial risk of death or permanent disfigurement; any injury which causes a permanent or protracted loss or impairment of the function of any bodily member or organ; or any temporary loss of consciousness, sight or hearing.
- (6) **Caretaker.** Any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird, reptile or animal.
- (7) **Cat.** Any feline, regardless of age or sex.
- (8) **Confined.** Restriction of an animal at all times by the owner to an escape-proof building.
- (9) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death. Additionally, it shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's property.
- (10) **Dangerous Animal.** Means any of the following:
 - a. Any dog or animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
 - b. Any dog or animal which, when unprovoked, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog or animal are off the property of the animal's owner or caretaker. Such behavior includes situations where the dog or animal repeatedly

- chases or approaches persons in a menacing fashion or exhibits an 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.
- c. Any animal with a known propensity, tendency or disposition to attack, to cause bodily harm injury to, or otherwise threaten the safety of, humans or other domestic pets or animals.
 - d. Any animal which, when unprovoked, bites a person or another domestic animal causing a less severe injury than is defined in Subsection (a)(5) above.
- (11) **Dog.** Any canine, regardless of age or sex.
 - (12) **Dog Pack.** A group of two (2) or more dogs running upon either public or private property not that of their owner, in a state in which either their control or ownership is in doubt or cannot readily be ascertained, and when such dogs are not restrained or controlled.
 - (13) **Domestic Animal.** Any animal which normally can be considered tame and adjusted to domestic home life with humans.
 - (14) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
 - (15) **Kennel.** An establishment where dogs are bred, trained or boarded and where more than three (3) dogs are kept.
 - (16) **Law Enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
 - (17) **Molest.** 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.
 - (18) **Neutered.** A dog or cat having nonfunctional reproductive organs.
 - (19) **Owner.** Any person owning, harboring, having an interest in, having control or custody of, or keeping a dog, cat or other animal and/or the occupant or caretaker of any premises on which a dog, cat or other animal remains or to which it customarily returns daily for a period of five (5) or more consecutive days; such person is presumed to be harboring or keeping the dog, cat or other animal within the meaning of this Section.
 - (20) **Pet.** An animal kept and treated as a domesticated or household pet.
 - (21) **Prohibited Vicious Animal.** Means any of the following:
 - a. Any animal which is determined to be a prohibited vicious animal under this Chapter.
 - b. Any animal that, while off the owner's or caretaker's property, has killed a domesticated animal without provocation, or inflicts bodily harm, as defined in Subsection (a)(5) above.

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- c. Any animal that, without provocation, inflicts bodily harm, as defined in Subsection (a)(5) above, to a person on public or private property.
 - d. An animal brought into the Village from another municipality, town or county that has been declared dangerous or vicious by that jurisdiction.
 - e. Any dog that is subject to being destroyed pursuant to Sec. 174.02(3), Wis. Stats.
 - f. Any dog or other animal which has previously been found to be potentially dangerous, the owner or caretaker having received notice of such, and the animal again aggressively bites, attacks or endangers the safety of humans or domestic animals.
 - g. Any animal trained, owned and/or harbored for the purpose of animal fighting.
- (22) **Residential Lot.** A parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted and under common ownership. For the purpose of this Chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (23) **Restrain.** Includes notifying the dog or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action if a serious safety threat is posed to a person or animal.
- (24) **Service Animal.** Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
- (25) **Stray or Abandoned Animal.** Any animal whose owner, caretaker or custodian remains unidentified after a period of seven (7) days.
- (26) **Untagged.** Not having a valid license tag attached to a collar kept on a dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

State Law Reference: Sections 174.05 through 174.10, Wis. Stats.

Sec. 7-1-2 Rabies Vaccination Requirement.

(a) **Rabies Vaccination Requirements.**

- (1) Every owner of a dog or other domestic animal four (4) months of age which is biologically able to be inoculated with an anti-rabies vaccine shall have his/her animal inoculated by a licensed veterinarian within thirty (30) days after the animal reaches four (4) months of age.
- (2) If the owner obtains the animal or brings the animal into the Village of Elk Mound after the animal has reached four (4) months of age, the owner shall have the animal vaccinated against rabies within thirty (30) days after the dog is brought into the

- Village of Elk Mound unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination.
- (3) The owner of an animal shall have the animal revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, as follows unless the original vaccine specifies a different time period:
 - a. Every owner of a dog shall have his/her dog revaccinated within one (1) year of the initial vaccination and thereafter within every three (3) years.
 - b. Every owner of a cat shall have his/her cat revaccinated annually after the initial vaccinations.
 - c. Any other animal requiring revaccinations shall do so according to federal, state and local guidelines for than anima.
 - (4) The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates an animal against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village of Elk Mound stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the animal, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village of Elk Mound.
 - (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the animal is revaccinated, whichever occurs first.
 - (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
 - (e) **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 animal at all times, but this requirement does not apply to an animal during competition or training, to a dog while hunting, to an animal securely confined indoors or to an animal securely confined in a fenced area. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).
 - (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
 - (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

- (h) **Exceptions.** No animal subject to the requirements of this Section shall be vaccinated if a licensed veterinarian has examined the animal and certified that at such time vaccination would seriously endanger its health because of age, infirmity, debility, illness or other medical consideration. Such exempt animal shall be vaccinated as soon as health permits.

Sec. 7-1-3 Dog Licenses; Multiple Dog Licenses; Kennel Permits.

(a) **Dog Licenses.**

- (1) **License Requirement.** It shall be unlawful for any person in the Village of Elk Mound to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
- (2) **Owner's Responsibility to Obtain License.** The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
- (3) **Dog License Tax.**
 - a. The minimum State license tax under this Section shall be charged in accordance with Sec. 174.05, Wis. Stats., as amended. An additional Village tax pursuant to Sec. 174.05, Wis. Stats., shall be paid on each dog license issued and the amount of Village tax shall not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refund which may be received under Sec. 174.09(2), Wis. Stats. The license year commences on January 1 and ends on the following December 31. The dog license tax under this Section shall be:
 1. Neutered males and spayed females: As prescribed in Section 1-3-1.
 2. Unneutered males and unspayed females: As prescribed in Section 1-3-1.
 - b. If the dog becomes five (5) months of age after July 1 of the license year, the license fee shall be one-half of the license fee.
- (4) **Proof of Rabies Vaccination; License Issuance.** Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village Clerk-Treasurer 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) **License Tag.**
 - a. The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).

- b. The fact that a dog is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer may seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- (b) **Kennel Permits; Multiple Dogs License; Kennel Construction Standards.**
- (1) ***Multiple Dogs License and Kennel Permit Requirements; Revocation.***
- a. Any person who keeps more than three (3) animals over the age of six (6) months shall obtain a kennel permit. In the case of dogs, any person who keeps more than three (3) dogs shall, instead of the license tax for each dog required by this Chapter and state law, apply for a multiple dogs license for the keeping of the dogs. Such person shall pay for the license year a license tax as prescribed in Section 1-3-1 for twelve (12) or fewer dogs and an additional fee for each dog in excess of twelve (12). A kennel permit is required in addition to the multiple dogs license.
- b. Any person wanting to operate an animal kennel, non-commercial or commercial, shall apply for a kennel permit with the Village Clerk-Treasurer and pay a one-time kennel permit application review fee per Section 1-3-1, in addition to any other required licensing fees. An application for a kennel permit shall state the name and address of the owner of the proposed kennel, the location of where the kennel is proposed to be located, and the number of animals and means of confinement proposed to be kept. In the case of dogs, upon payment of the required multiple dogs license tax, and upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Clerk-Treasurer shall issue the multiple dogs license and a number of tags equal to the number of dogs authorized to be kept following Village Board approval of a kennel permit application; the multiple dogs license is a requirement separate from the kennel permit.
- c. Village Board approval is required for all kennels. With all kennel permit applications, the Police Department shall provide a written recommendation to the Village Board. A kennel may only be located in a residential area following a public hearing and approval by the Village Board; the Village Board may attach conditions to such approval as a conditional use under the Village Zoning Code. The Village Board may revoke any kennel permit for violation of this Chapter after reasonable notice and opportunity to be heard is given the kennel permit holder.
- (2) ***Multiple Dogs License Tags; Requirements; Exceptions.*** The owner or keeper of multiple dogs shall keep at all times a multiple dogs license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a multiple dogs license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area.

The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area.

- (3) **Confinement/Leash Requirement.** No dog bearing a multiple dog tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's premises unless the dog is on a leash or temporarily unconfined/unleashed for the purposes of hunting, breeding, trial, training or competition.
- (4) **Humane Animal Treatment Requirement.** No kennel permit or multiple dog license shall be issued to the keeper or operator of multiple dogs or animals who fails to provide proper food and drink and proper shelter for the animals or who neglects or abandons said animals. Village enforcement officials shall investigate any complaints regarding the failure to maintain proper standards or investigate any multiple dogs premises upon his/her own initiative. Expressly incorporated by reference in this Section as minimum standards for kennel permit holders or multiple dogs keepers are the relevant provisions of Ch. 174, Wis. Stats.
- (5) **Inspection Consent.** A condition of being issued a kennel permit or multiple dogs license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any premises with a kennel permit or multiple dogs license be found to constitute a public nuisance, the license or permit shall be revoked and the nuisance abated pursuant to Village ordinances.
- (6) **Kennel Construction and Operation; Setback for Pens and Leashed Dog.** The following requirements apply to kennels:
 - a. No kennel permit shall be granted to any owner for the operation of an outdoor kennel unless the area within which the animals are to sleep, eat or exercise shall be completely enclosed with a wire mesh fence of appropriate height and strength to ensure proper confinement of said animals. A building permit shall be obtained from the Village for any dog pen or kennel structure.
 - b. No dog or animal outdoor pen/house/run may be constructed closer than ten (10) feet from a property line. No dog shall be tied so that it is closer than ten (10) feet from a property line.
 - c. Every kennel or animal outdoor confinement structure shall be maintained and operated in a neat and sanitary manner. All refuse and animal waste shall be removed at regular intervals to minimize odors and infestations of insects or vermin. No owner of the kennel shall permit any of the animals to create an

unusual or excessive noise from howling, barking, or in any other manner create a disturbance or nuisance of any kind which unduly impairs the quiet and peaceful enjoyment of the surrounding area by other residents.

(c) **Exemption for Leader Dogs and Service Animals.**

- (1) **Service Animals.** Notwithstanding the foregoing, all service animals specifically trained to work or perform tasks for the benefit of an individual with a disability are exempt from the licensing tax and every person owning such dog shall annually receive a dog license from the Village Clerk-Treasurer at no charge upon proper application thereof and proper vaccination required in Subsection (a)(4).
- (2) **Leader Dogs.** Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the licensing tax and every person owning such dog shall receive annually a dog license from the Village Clerk-Treasurer at no charge upon proper application therefor and proof of rabies vaccination required in Subsection (a)(4).

State Law Reference: Sec. 174.053, Wis. Stats.

Sec. 7-1-4 Late Fees.

The Village Clerk-Treasurer shall assess and collect a late fee from every owner of a dog or cat five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (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.

Sec. 7-1-5 Rabies Quarantine.

- (a) **Reporting Suspected Rabid Animals.** Any person who suspects that a dog, cat or other domestic animal is infected with rabies shall report this information to the Police Department, describing the animal and giving the name of the owner (if known) and location.
- (b) **Area-Wide Rabies Quarantines.**
 - (1) **Area Confinement Order.** If a district is quarantined for rabies, all dogs, cats or ferrets within the Village of Elk Mound shall be kept securely confined, tied, leashed or muzzled. Any dog, cat or other domestic animal not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three (3) public places in the Village notices of quarantine.

- (2) **Exemption of Vaccinated Animals from Village Quarantine.** An animal 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) if a rabies vaccination tag or substitute tag is attached to the animal's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
- (1) **Quarantine or Sacrifice.** A law enforcement or animal control officer shall order an animal quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured or such animal exhibits actual signs of rabies, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. No person shall interfere with Village of Elk Mound authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such animal.
- (2) **Sacrifice of other animals.**
- a. An officer may order an animal killed or may kill an animal other than an animal if the officer has reason to believe that the animal bit a person or is infected with rabies.
- b. Any domesticated wild animal that has bitten any person, inclusive of, but not limited to, wolf-dog hybrids, skunks and raccoons, shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the State Laboratory of Hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.
- (d) **Quarantine Procedures; Law Enforcement Dog Exception.**
- (1) **Vaccinated Animal Bite Incidents.** Any animal which has bitten any person, and whose owner shows evidence of a current rabies inoculation, shall be quarantined at such place as designated by law enforcement or health authorities for a minimum period of ten (10) days. The animal shall be examined by and under the supervision of a licensed veterinarian within twenty-four (24) hours of a quarantine notice and again on the tenth (10th) day after the incident. If, in the opinion of law enforcement or health authorities, the vaccinated animal cannot be confined securely at the residence of its owner or custodian, or exhibits signs of illness as determined by a licensed veterinarian, the animal shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.
- (2) **Unvaccinated Animal Bite Incidents.** Any animal which has bitten any person and which does not display evidence of rabies inoculation shall be quarantined within twenty-four (24) hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten (10) days. "Supervision

- of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the animal has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his/her determination or findings thereof in writing.
- (3) **Risk to Animal Health Due to Suspected Exposure to a Rabid Animal.**
- a. If an animal is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
 - b. If an animal is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the animal is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
 - c. No person shall keep or harbor any dog or other domesticated animal, whether licensed or not, which is known to be, or when there is good reason to believe the same to be, mad, rabid, vicious or dangerous to the public.
- (4) **Destruction of an Animal Exhibiting Symptoms of Rabies.** If a veterinarian determines that an animal exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the animal is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (5) **Law Enforcement Dog Exception.** The quarantine requirements of this Subsection does not apply to a dog used by a law enforcement agency and which bites a person while the dog is performing law enforcement functions if the dog is immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. The agency shall make the dog available for examination at any reasonable time. The law enforcement agency shall notify the local health authorities if the dog exhibits any abnormal behavior.
- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory

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of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The State Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Village of Elk Mound, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Village of Elk Mound, the State Laboratory of Hygiene, the applicable health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination.
- (h) **State Laws Adopted by Reference.** The provisions of Sec. 95.21 and Chs. 173 and 174, Wis. Stats., insofar as the same are applicable and exclusive of penalties, are incorporated by reference and made a part of this Section with the same force and effect as those set forth verbatim herein. Any amendments to those sections shall be adopted by reference as if they were fully set forth herein.

State Law Reference: Secs. 95.21 and 174.02(3), Wis. Stats.

Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Elk Mound to own, harbor or keep any animal which:
 - (1) Has been declared by the Village to be a prohibited vicious animal.
 - (2) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - (3) Molests people, domestic animals, or passing vehicles.
 - (4) 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.
 - (5) Is repeatedly at large within the limits of the Village of Elk Mound.
 - (6) Is at large on school grounds, parks or cemeteries in violation of Village ordinances.
 - (7) Damages private or public property.
 - (8) Does not have the current vaccination as required by Section 7-1-2.
 - (9) Habitually barks or howls to the annoyance of any reasonable person or persons in an excessive, continuously or untimely manner. (See Section 7-1-15.)

- (10) Kills, wounds or worries any domestic animal.
 - (11) 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.
 - (12) In the case of a dog, is unlicensed.
 - (13) Is tied or leashed in a manner that prohibits or impairs the reading of utility meters.
 - (14) Is permitted by its owner to run in dog packs.
- (b) **Unleashed Dogs or Other Animals Running at Large.**
- (1) No owner, keeper, harbinger or caretaker of any dog or other animal shall permit the same to be unleashed or unrestrained at any time said dog or other animal is not on the owner's, keeper's, harbinger's, or caretaker's property or premises.
 - (2) A dog or other animal which is leashed or otherwise restrained by any device that is less than ten (10) feet in length, which is of sufficient strength to restrain and control said dog or other animal, and is held by a person competent to govern and control said animal, who has obtained the age of ten (10) years or more, and is able to prevent said dog or animal from annoying or worrying pedestrians or from trespassing on private or public property. Furthermore, a dog or other animal is not unleashed or uncontrolled and at large if it is properly restrained within a motor vehicle.
 - (3) A service animal (as defined in Section 7-1-1) shall not be considered running at large whether or not the animal is on a leash if the animal is in the immediate company of the owner or immediately responds and obeys (e.g. a dog playing a game of "fetch" in a field or walking alongside its owner, a member of the owner's immediate family or the assisting individual of the service animals' owner).
 - (4) Any person or entity who violates this Subsection (b) shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00), plus court costs, and not more than Five Hundred Dollars (\$500.00), together with any impoundment under Section 7-1-8.
- (c) **Owner's Liability for Damage Caused by Dogs or Other Animals; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs and other animals together with the penalties therein set forth are hereby adopted and incorporated herein by reference.
- (d) **Owner's Responsibility for Animal Bites.** It is the responsibility of an animal's owner when such dog or other animal bites a person, including when that person is lawfully present on the property.

Sec. 7-1-7 Prohibited Vicious or Dangerous Animals; Dangerous Dog Supplemental Registration.

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Dangerous Dog or Animal.** Shall be as defined in Section 7-1-1(a)(10).
 - (2) **Prohibited Vicious Dog or Animal.** Shall be as defined in Section 7-1-1(a)(21).

(b) **Prohibited Vicious Dogs and Other Animals.**

(1) **Village-Wide Prohibition.** No person shall harbor, keep or maintain within the Village of Elk Mound any dog or other animal classified under this Chapter as a prohibited vicious dog or animal.

(2) **Determination of Prohibited Vicious Animal.**

a. A dog or other animal may be designated as a prohibited vicious animal whenever an enforcement officer finds that the animal meets the definition of prohibited vicious animal or is a potentially dangerous dog or animal in non-compliance with any of the requirements of this Section.

b. Upon finding that an animal meets the definition of a prohibited vicious animal, the enforcement officer may issue an order declaring an animal to be a prohibited vicious animal. Any dog or other animal alleged to be of prohibited vicious disposition by virtue of an attack upon a human being or domestic animal shall be confined subject to Sec. 173.21, Wis. Stats., or be confined at a location outside of the Village, as directed by the authorities, until the outcome of appeals and the disposition of the charge issued by citation.

c. Whenever the owner or caretaker of the animal desires to appeal such a determination, he/she shall, within seventy-two (72) hours after receipt of the order, deliver to the Village Clerk-Treasurer a written objection to the order stating specific reasons for contesting the determination. Upon receipt of the written objection, the matter shall be placed on the agenda of the Finance Committee for review; the Village President may deem it necessary to call a special meeting of the Finance Committee to hear the written objection, the cost of such special meeting to be the responsibility of the appellant. The Finance Committee shall act as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared a prohibited vicious animal.

d. After the hearing, the owner or caretaker of the animal shall be notified in writing of the Finance Committee's decision. If the owner or caretaker of the animal further contests the determination, he/she shall within five (5) days of receiving the Committee's decision, seek review of the decision by the Village Board.

e. If the final determination is that the dog or animal is classified as prohibited vicious, the owner shall comply with the requirements of Subsection (b)(1) above within five (5) days after the final determination. The owner or caretaker of any dog or other animal found to be prohibited vicious shall be prohibited from returning that dog or other animal to the Village of Elk Mound.

(c) **Penalty for Keeping Prohibited Vicious Dogs or Other Animals in Violation of Subsection (b).**

(1) **Forfeiture.** Any person convicted of violating Subsection (b) above shall pay a forfeiture of Five Hundred Dollars (\$500.00) together with all costs and assessments.

Each day that a person owns, harbors, keeps, maintains or cares for any prohibited vicious dog or other animal in violation of this Section may be deemed a separate and distinct violation, subject to separate citations and convictions. Furthermore, any violation of Subsection (b) above shall result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the Village of Elk Mound, or any law enforcement or animal control officer of any jurisdiction authorized by the Village to enforce or effectuate the Village of Elk Mound's ordinances. Each day of violation is a separate offense.

- (2) **Impoundment.** In the event that any prohibited vicious dog or animal has been impounded, said dog's or animal's owner shall be required to make arrangements to have said animal removed from the corporate limits of the Village of Elk Mound within seven (7) days of impoundment or the end of the appeals process. In the event any impounded animal has not had arrangements made to remove said animal from the corporate limits of the Village of Elk Mound within said seven (7) day period, any law enforcement officer or animal control officer for the Village of Elk Mound shall be authorized to destroy said animal.
- (d) **Restrictions and Rules Regarding Dangerous Dogs or Animals.**
- (1) **Dangerous Animals Regulated.**
- a. No person may harbor or keep a dangerous dog or animal within the Village of Elk Mound unless all provisions of this Section are fully complied with. Any animal that is subsequently determined to be a prohibited vicious animal under this Section shall not be kept or harbored in the Village of Elk Mound.
 - b. The issuance of a citation for a violation of this Section need not be predicated on a prior determination that an animal is a dangerous animal.
- (2) **Procedure for Declaring an Animal Dangerous.**
- a. Upon conducting an investigation, an enforcement officer may issue an order declaring an animal to be a dangerous animal. Whenever possible, any complaint received from a member of the public which serves as part of the evidentiary basis for the animal control officer or law enforcement officer to find probable cause, shall be sworn to and verified by the complainant and shall be attached to the record.
 - b. Whenever an owner or caretaker desires to contest a determination that his/her animal is dangerous, he/she shall, within seventy-two (72) hours after receipt of the order, file with the Village Clerk-Treasurer a written objection to the order stating specific reasons for objecting to the determination. Upon receipt of the written objection, the matter shall be placed on the agenda for a meeting of the Finance Committee, which shall act as a quasi-judicial body allowing the owner or caretaker of the animal an opportunity to present evidence as to why the animal should not be declared dangerous. The Finance Committee may admit all relevant documents and testimony into evidence including incident reports and

affidavits of witnesses, photographs, and personal testimony. For the Finance Committee to determine that a dog or other animal is dangerous, there must be a preponderance of the evidence to establish the same.

- c. After the hearing, the owner or caretaker of the animal shall be notified in writing of the determination of the Finance Committee. If the Committee upholds the determination that the animal is dangerous, the owner or caretaker of the animal shall comply with the requirements of Subsection (d)(3) below. If the owner or caretaker decides to appeal the decision of the Finance Committee, he/she may, within five (5) days of receiving the Committee's decision, file an appeal with the Village Clerk-Treasurer for review of the decision by the Village Board.
- d. Upon appeal, if a determination is made that a dog or other animal is dangerous as herein provided, the owner, keeper, harbinger or caretaker shall comply with Subsections (d)(6)-(8) and in accordance with the time schedule established by law enforcement authorities or animal control officer serving the Village of Elk Mound, or designee, but in no case more than thirty (30) days after the date of the determination.

(3) ***Affirmative Defenses; Exceptions.***

- a. No dog or other animal may be declared dangerous if any injury or damage was sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner, keeper, harbinger or caretaker of the dog or other animal, or was teasing, tormenting, abusing, or assaulting the dog or other animal, or was committing or attempting to commit a crime.
- b. No dog or other animal may be declared dangerous if the dog or other animal was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
- c. No dog or other animal may be declared dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury, or damage was sustained, was teasing, tormenting, abusing or assaulting the dog or other animal.
- d. No dog or other animal may be declared dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, keeper, harbinger or caretaker, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.
- e. No dog or other animal may be declared dangerous if the injury or damage to another domestic animal was sustained while on the property or premises of the owner, harbinger, keeper or caretaker of the dog or other animal, and the injured domestic dog or animal was upon the property not owned or maintained by the owner of the injured or damaged domestic animal.

- f. No dog or other animal may be declared 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.
- (4) **Licensing and Vaccination Requirements; Dangerous Dog Supplemental Registration.** All dangerous dogs or other animals shall be properly licensed and vaccinated. The licensing authority for the Village of Elk Mound shall include the potentially dangerous designation in the registration records of the dog, either after the owner or keeper of the dog has agreed to the designation or at the time the enforcement officer determines the designation applies to the dog or animal. The Village of Elk Mound charges a dangerous dog registration fee in addition to the regular licensing fee per Sec. 1-3-1 to provide for the increased cost of maintaining the records of the dog; such registration fee shall be paid annually to the Village Clerk-Treasurer thereafter on or before April 1 of each year, accompanied by a current color photograph of the dog or animal being registered.
- (5) **Leash and Muzzle Requirements for Dangerous Animals.**
- a. No owner or caretaker harboring or having the care of a dangerous dog or animal may permit such dog or animal to be or remain outside of its dwelling, kennel or pen unless the animal is securely restrained with a leash no longer than five (5) feet in length.
 - b. A dangerous dog or other animal may be off the owner's premises only if it is restrained by a substantial leash, not more than five (5) feet in length, and muzzled by a device sufficient to prevent the animal from biting persons or other animals, and if the animal is under the control and supervision of a responsible adult while being restrained by said leash and muzzle.
 - c. No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside of its dwelling, kennel or pen unless a person who is sixteen (16) years of age or older, competent to govern the dangerous animal and capable of physically controlling and restraining the animal, is in physical control of the chain, rope or leash to which the animal is attached.
 - d. A dangerous animal may be securely leashed or chained outside to an immovable object, but only if the owner or caretaker is physically present with the animal at all times when it is so leashed or chained to prevent mistreatment.
- (6) **Confinement Requirements for Dangerous Animals.**
- a. Except when properly leashed and muzzled, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked kennel or pen structure that is located on the premises of the owner or caretaker and which is constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.
 - b. When constructed in a yard, a pen or kennel for confining a dangerous animal shall, at a minimum, be constructed to conform with the requirements of this

paragraph. The pen or kennel shall be child-proof from the outside and animal-proof from the inside. A strong metal mesh double fence with adequate space between fences a minimum of two (2) feet shall be provided so that a child cannot reach into the animal enclosure. The pen or kennel 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 have either a secure bottom or floor attached to the sides of the pen/kennel or the sides of the pen/kennel shall be embedded in the ground no less than two (2) feet. All structures used to house dangerous animals shall comply with all pertinent regulations of this Chapter, the Village Zoning Code, and Building Code. All structures for housing a dangerous animal shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

- c. No dangerous animal may be kept on a porch, patio or in any part of a house or other structure on the premises of the owner or caretaker which 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 escaping the structure.
- (7) **Signs Warning of Dangerous Animal.** The owner or caretaker of a dangerous animal shall display, in prominent locations on his/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 dangerous animal. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.
- (8) **Spay/Neuter Requirements for Dangerous Animals.** Within ten (10) days after an animal has been designated dangerous under this Section, the owner or caretaker of the animal shall provide the Village with written proof from a licensed veterinarian that the animal has been spayed or neutered.
- (9) **Liability Insurance Requirement for Dangerous Animals.** The owner or caretaker of a dangerous animal shall present the Village Clerk-Treasurer with a certificate of insurance that the owner or caretaker has procured liability insurance in a coverage amount not less than One Million Dollars (\$1,000,000.00) for any personal injuries inflicted by the dangerous animal. Such insurance shall remain in force and effect at all times that the animal is maintained or harbored in the Village. Annually, at the time of licensing and registration, proof of such insurance shall be provided to the Village. Whenever such liability insurance policy is cancelled or not renewed, the insurer and the owner or caretaker of the dangerous animal shall notify the Village of Elk Mound of such cancellation or non-renewal in writing by certified mail.

- (10) **Notice Upon Death, Sale or Relocation of Animal.**
- a. No person may sell or transfer possession of a designated dangerous animal to another person without disclosing to the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal and of all requirements imposed upon selling or transferring by this Section. No person may sell or transfer possession of a dangerous animal to another person without first notifying the Village's enforcement officer in writing, a minimum of three (3) days in advance of the sale or transfer of possession of the animal with the name, address and telephone number of the new owner or caretaker. If the dangerous animal is sold or given to a person residing outside of the Village of Elk Mound, the owner or caretaker shall present evidence to the enforcement officer that he/she has notified the pertinent law enforcement agency serving the animal's new residence, including the name, address and telephone number of the new owner of the dangerous animal.
 - b. If a dangerous dog or other animal dies, or is sold, transferred or permanently removed from the Village of Elk Mound where the owner, harbinger, keeper or caretaker so resides, said person who owns, keeps, harbors, or caretakes a dangerous dog or other animal shall notify the Village of Elk Mound or the animal control officer of the change in condition or new location of the dangerous dog or other animal in writing within three days (3) prior to said dog's or other animal's removal.
- (11) **Notification to Landlord of Presence of a Dangerous Animal.** If the owner or caretaker of an animal that has been designated a dangerous animal has a landlord, then in such event the owner or caretaker shall, within five (5) days of such designation, cause a certified letter to be sent to the landlord notifying the landlord that the renter is the owner or caretaker of a designated dangerous animal at the premises owned by the landlord and shall provide a copy of the letter and proof of mailing to the enforcement officer.
- (12) **Euthanasia.** If the owner or caretaker of an animal which has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping a dangerous animal in accordance with this Section, he/she shall have the animal humanely euthanized by an animal shelter, humane society or licensed veterinarian, at the owner's or caretaker's expense.
- (13) **Waiver.** The enforcement officer may waive the provisions of this Subsection (d) for a trained law enforcement or military animal upon presentation by the animal's handler of satisfactory arrangements for safekeeping of the animal.
- (e) **Penalty for Violations of Subsection (d).**
- (1) **Forfeiture.** Any person or entity convicted of violating Subsection (d) shall pay a forfeiture of not less than Two Hundred and Fifty Dollars (\$250.00), together with all costs and assessments. Each day that a person owns, harbors, keeps, maintains or cares for any dangerous dog or other animal in violation of Subsection (d) may be deemed separate and distinct violations, subject to separate citations and convictions.

- (2) **Impoundment.** Furthermore, any violation of Subsection (d) may result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the Village of Elk Mound, or any law enforcement or animal control officer of any jurisdiction authorized by the Village of Elk Mound to enforce or effectuate the Village's ordinances, may impound any dog or other animal which is subject to this Section. In the event that any restricted or prohibited animal or other prohibited vicious or dangerous animal or dog has been impounded, said dog's or animal's lawful owner shall be required to make arrangements to have said animal removed from the corporate Village of Elk Mound limits within seven (7) days of impoundment. In the event any impounded animal has not had arrangements made to lawfully remove said animal from the corporate Village limits within said seven (7) day period, any law enforcement officer or animal control officer for the Village of Elk Mound shall be authorized to destroy said animal.

Sec. 7-1-8 Impoundment of Animals.

(a) **Animal Control Agency.**

- (1) The Village of Elk Mound may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs.
- (2) The Village of Elk Mound does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.

- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, a law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the Village of Elk Mound, 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/her 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 of Elk Mound for any damages it sustains for improper or illegal seizure.

(c) **Claiming Animal; Disposal of Unclaimed Animals.**

- (1) **Seizure.** A law enforcement officer or any animal control officer appointed by the Village Board may attempt to capture and restrain dogs or other animals running at large or otherwise in violation of this Chapter, and shall confine and capture or restrain animals in a suitable dog pound or other enclosure. After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded.