

Village of Almena, WI
Tuesday, July 30, 2024

Chapter 104. Animals

[HISTORY: Adopted by the Village Board of the Village of Almena 9-11-2018 by Ord. No. 2018-7 (§ 12.04 of the former Village Code). Amendments noted where applicable.]

§ 104-1. Purpose and intent.

It is the purpose and intent of this chapter to provide for the health, safety and welfare of the general public, to require the licensing of pets and to curtail the roaming of pets individually or in packs in a manner to expose persons and property to the risk of bodily injury or damage. It is also the purpose of this chapter to complement application of Ch. 174, Wis. Stats.

§ 104-2. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

AT LARGE

An animal off the premises of the owner. An animal properly licensed as required by this chapter shall not be deemed at large if such animal is:

- A. On the premises of the owner;
- B. Under the control of the person competent to restrain and control the animal, either by leash, cord, chain, or other similar restraint not more than 10 feet in length or properly restrained within a motor vehicle; or
- C. Properly housed in a veterinary hospital or licensed kennel, pet shop, or other designated animal shelter.

DISORDERLY

Conduct by a pet which is unreasonably loud, violent or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance.

LICENSE YEAR

From January 1 through December 31 of each year.

OWNER

Every person who owns, harbors, keeps or has temporary custody of a pet.

OWNING

Having actual ownership, harboring, keeping or having temporary custody of a pet.

PET

Any dog, cat or other permitted household animal.

REPETITION

On two or more prior occasions the pet owner has received complaints from a Village law enforcement officer that such owner's pet is or was recently disorderly.

RUNNING AT LARGE

Off the premises of the owner or not in near enough proximity to the owner so that the owner can, in fact, control the pet.

SERVICE ANIMALS

Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing nonviolent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

VACCINATION

Vaccination or re-vaccination against rabies by inoculation of a dog with a rabies vaccine approved of by the United States Department of Agriculture, Trade and Consumer Protection.

VILLAGE LAW ENFORCEMENT OFFICER

A Village policeman or any other person designated by the Village Board to enforce Village ordinances.

§ 104-3. License requirements.

- A. The license tax for each dog shall be as provided in the Fee Schedule.
- B. The Village Clerk-Treasurer shall issue a license tag for each dog in accordance with § 174.07, Wis. Stats.
- C. The owner of any dog required to be licensed shall notify the Village Clerk-Treasurer in writing within 30 days of such owner no longer owning a dog which previously was required to be licensed.
- D. Service animals shall be exempt from the license tax and shall receive a free license from the Clerk/Treasurer upon application thereof.
- E. The owner of a dog five months of age or older which was not vaccinated against rabies in the previous three years shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches five months of age or within 30 days after the dog is obtained or brought into the Village, whichever is later. The owner of any dog failing to comply with this provision shall be subject to a forfeiture as noted in § 104-13, Violations and penalties. Evidence that the dog is currently immunized against rabies shall be submitted to the Village Clerk-Treasurer before a license is issued.

§ 104-4. Limitations.

- A. Every owner of a dog kept within the Village limits is required to obtain a license for each dog.
- B. If a household owns or keeps more than two dogs on the premises, the owner(s) shall, in addition to obtaining the required license for each dog, file a statement with the Village Clerk-Treasurer demonstrating to the satisfaction of the Village Board that the owner has the ability and proper facilities to care for and control their dogs and acknowledging he/she is aware of the Village's dog

limitation of two dogs per residence and he/she agrees to reduce the number of dogs on the premises to two if the Police Department or Village law enforcement officer receives a verified nuisance complaint against the premises caused by, or related to, the number of dogs housed on the premises or the owner otherwise fails to care for and control his/her animals.

- C. In addition to the license tax for each dog above and beyond the two-dog limitation, an additional fee as provided in the Fee Schedule and will be charged for the third, and all subsequent, dog license(s) issued per household.
- D. Except as set forth elsewhere herein, each residence shall have no more than two dogs or two cats or one dog and one cat or six chickens kept on any premises in the Village limits. Roosters shall be prohibited.

§ 104-5. Pets running at large.

- A. No person shall own, keep, harbor any animal and permit it to run at large. Any animal found running at large, regardless of known ownership or the lack thereof, is subject to impoundment.
- B. No person having in his or her possession or ownership any pet shall allow the same to run at large within the Village. The owner of any pet, whether licensed or unlicensed, shall keep his or her pet tied or enclosed in a proper enclosure so as not to allow said pet to interfere with the passing public, neighbors, other animals or property. Any pet running at large may be seized and impounded by a Village law enforcement officer, Board Trustee, or Village employee.
- C. A pet shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.
- D. Every owner, and every other person charged with the care or custody of an animal shall exercise proper care and control of such animals to prevent them from becoming a public nuisance. Any animal attacking, nipping, or molesting any human being, chasing vehicles, attacking other animals without provocation, being found at large upon public or private property or causing damage to public or private property, excessive or continuous barking or howling, shall be deemed a public nuisance subject to abatement under this chapter.

§ 104-6. Pet regulations.

- A. Public nuisance. It shall be unlawful for any person within the Village of Almena to own, harbor or keep any pet which:
 - (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - (2) Assaults, nips, attacks, or molests any human being.
 - (3) Destroys property.
 - (4) Is at large within the limits of the Village.
 - (5) Habitually barks or howls to the annoyance of any person or persons. (See Subsection C below.)
 - (6) Kills, wounds or worries any domestic animal.
 - (7) 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.
 - (8) In the case of a dog, is unlicensed.
- B. Vicious dogs and animals.

- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. For purposes of enforcing this subsection, a dog shall be deemed as being of a vicious disposition if it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises. Any vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.
 - (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- C. Barking dogs or crying cats. It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls, to the great discomfort of the peace and quiet of the neighborhood or in such manner as materially to disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this subsection when two formal written complaints are filed with the Police Department within a four-week period.
- D. Animal feces removal. No person shall allow or permit any animal to defecate upon property not owned by him/her without such other property owner's consent or upon any public property in the Village limits without immediately removing the feces. The owner of any pet shall be responsible for removing and properly disposing of animal waste deposited on any property other than the owner's property. Such removal shall be undertaken immediately and the failure to do so shall subject the owner of the pet to the penalties set forth in § **104-13**, Violations and penalties, of this chapter.

§ 104-7. Pets prohibited.

- A. It shall be unlawful for any person to keep, maintain, or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have under his control within the Village any of the following:
- (1) All poisonous animals and reptiles, including rear-fang snakes.
 - (2) Apes, baboons, monkeys, chimpanzees, gibbons, gorillas, orangutans, and similar primates.
 - (3) Bears.
 - (4) Birds of prey.
 - (5) Bison.
 - (6) Cheetahs, jaguars, leopards, lions, lynxes, pumas, cougars, panthers, tigers, mountain lions and similar wild cats.
 - (7) Crocodiles.
 - (8) Constrictor snakes.
 - (9) Coyotes.
 - (10) Deer, elk, antelope, moose, and other similar animals.
 - (11) Elephants.
 - (12) Ferrets.

- (13) Foxes.
- (14) Gamecocks or similar fighting birds.
- (15) Hippopotami.
- (16) Hyenas.
- (17) Insects, poisonous.
- (18) Ostriches and emus.
- (19) Piranha fish, sharks, and other predatory fish.
- (20) Raccoons.
- (21) Reptiles.
- (22) Rhinoceroses.
- (23) Skunks.
- (24) Wolves.

- B. Exception. Nonpoisonous reptiles and birds of prey may be kept only if in a home or dwelling unit, provided that the bird of prey or nonpoisonous reptile is at all times kept in a secure cage or enclosure. Owners of birds of prey must be properly trained and licensed. This section is not intended to prohibit possessing a prohibited animal by a licensed or properly trained individual participating in a civic event or educational program on a temporary basis.

§ 104-8. Rabies vaccinations.

- A. All dogs are required to have a rabies vaccination.
- B. The owner of each dog shall have it vaccinated against rabies by a veterinarian, or if a veterinarian is physically present at the location the vaccine is administered, by a veterinarian technician as required by § 95.21(2)(a), Wis. Stats., no later than five months of age and revaccinated within one year after the initial vaccination. Thereafter, vaccinations shall be performed before the immunization as stated on the certificate expressed or within three years after the previous vaccination, whichever occurs first.
- C. The rabies vaccination tag and original certificate of rabies vaccination shall be given to the owner of the dog vaccinated. The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for that purpose until the date the immunization expires or the dog is revaccinated, whichever occurs first.
- D. The owner of a dog shall attach the required rabies vaccination tag to the dog, provided by the veterinarian, in the manner and at the times required by § 95.21(2)(e) and (f), Wis. Stats. Such evidence of inoculation shall be removed by the owner when the effect of the vaccination as stated by the veterinarian expires.

§ 104-9. Abandonment and cruelty.

- A. No person shall abandon a pet in the Village.
- B. The provisions of Ch. 951, Wis. Stats., are hereby adopted by reference.

§ 104-10. Impoundment.

A. License required.

- (1) Any dog in the Village which does not bear a required license tag or any pet running at large in the Village shall be caught and impounded by a Village law enforcement officer or by any member of the Village Board and may be caught by any employee of the Village of Almena.
- (2) The fact that a dog is without a license tag attached to a collar worn by the animal shall be presumptive evidence that the dog is unlicensed.
- (3) Any pet caught and impounded in accordance with the provisions of this section may be delivered or kept in a kennel area at the Village Shop.

B. Reclamation of impounded pets.

- (1) Immediately after any pet is impounded in accordance with the provisions of this section, an employee of the Village of Almena shall notify, by United States Postal Service or other reasonable means, the owner of such pet, if such owner is known or can be ascertained with reasonable effort, that the pet has been impounded and that it may be reclaimed within seven days or, in the event such pet is not reclaimed, that it may be destroyed.
- (2) If the owner of an impounded pet is unknown or cannot be ascertained with reasonable effort, the Village employee or representative or whoever else has a pet impounded in accordance with this section may post in three places in the Village a description of such impounded pet stating where the pet is impounded and that if the owner of such impounded pet does not reclaim it within seven days the pet shall be disposed of in a proper humane manner. The Village of Almena or person holding such an impounded pet of unknown ownership may also carefully read the lost and found advertisements of local newspapers having general circulation in the community to determine whether such impounded pet is advertised as lost and, if so, may promptly notify the advertiser as provided in Subsection **B(1)** above.
- (3) If the pet is an unlicensed dog, the person or Village of Almena holding the impounded dog may, before reclamation of such dog, require proof from the Village Clerk-Treasurer that a dog license has been purchased.
- (4) The dog license tax, if applicable, and the cost incurred for keeping an impounded pet shall constitute a lien against such pet.
- (5) Reclamation of an impounded pet shall not be a defense to prosecution for violation of this chapter.

C. Payment for pet seizure, impoundment and destruction. No person shall remove any pet impounded at the Village of Almena Village Shop without first having paid to the Village Clerk-Treasurer any fee assessed to the Village of Almena.

§ 104-11. Enforcement.

A. The provisions of this chapter shall be enforced by police officers, Trustees, Village employees, and any other person designated by the Village Board. Any Village law enforcement officer or Trustee is authorized and directed to make investigations and execute complaints in behalf of the Village alleging violations of this chapter.

B. Special inspection warrant.

- (1) Any Village law enforcement officer and any Trustee engaged in enforcing the provisions of this chapter may question persons and inspect property in the Village.
- (2) In the event any person having possession or ownership of property which is the subject of investigation refuses to consent to entry for the purpose of inspection, a Village law enforcement officer or Trustee may apply for a special inspection warrant in accordance with the provisions of § 66.0119, Wis. Stats.

§ 104-12. Liabilities.

- A. The Village of Almena, its officers, agents, and employees shall not be held liable for the death, destruction, injury, or disease of any animal impounded pursuant to this chapter.
- B. The provisions of § 95.21, Wis. Stats., are hereby adopted by reference and made part of this chapter as if fully set forth herein.
- C. The Barron County Health Department from time to time adopts rules and regulations controlling animal bites and the health of animals. Those rules and regulations are hereby adopted by reference and made part of this chapter as if fully set forth herein.

§ 104-13. Violations and penalties.

- A. Any person who causes or permits a pet to run at large shall be subject to a forfeiture as provided below, for the first such offense and for any second and subsequent offense which occurs within 24 months of the first offense. For the purpose of determining whether a second or subsequent violation has occurred, the date of the issuance of a citation for the first offense shall be used to compute the twenty-four-month period referred to herein.
 - (1) First offense. Any person who shall violate any provision of this code subject to a penalty for which a not otherwise provided for in this code shall, upon conviction thereof, forfeit not less than \$10 nor more than \$250, together with court costs and the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail for a period not exceeding 90 days.
 - (2) Second offense. Any person found guilty of violating any ordinance or any part of this code who shall previously have been convicted of a violation of the same ordinance shall, upon conviction thereof, forfeit not less than \$25 nor more than \$500, together with court costs and the costs of prosecution, and in default of payment of such forfeiture and costs shall be imprisoned in the county jail for a period not exceeding six months.
 - (3) Continued violations. Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this code shall preclude the Village from maintaining any appropriate action to prevent or remove a violation of any provision of this code.
- B. Any person who violates any provision of this chapter, other than the provision(s) prohibiting a person from permitting a pet to run at large, shall, unless otherwise specified herein upon conviction, be subject to a penalty as provided in § 1-4 of this Code.