

ORDINANCE NO. 2018-03

AN ORDINANCE TO REPEAL, CREATE, MODIFY, AND AMEND THE GENERAL ORDINANCES OF THE VILLAGE OF LA VALLE.

THE VILLAGE BOARD OF THE VILLAGE OF LA VALLE, SAUK COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

ANIMAL CONTROL ORDINANCE

A. Definitions. As used in this Ordinance:

- (1) "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat shall be deemed to be upon the owner's premises.
- (2) "Cat" means all domesticated members of *Felis domestica*, male, female or neutered.
- (3) "Dog" includes all domesticated members of *Canis familiaris*, male, female or neutered.
- (4) "Owner" includes any person, firm or corporation, owning, harboring or keeping an animal regulated by this ordinance. The occupant of any premises on which a dog remains or to which the animal customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog or cat within the meaning of this chapter.
- (5) "Quarantine" means that all animals within the village ordered quarantined by an officer of the village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared not quarantined and should be isolated at an isolation facility as soon as possible.
- (6) "Untagged" means not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
- (7) "Vicious" means a dog that has killed or caused bodily harm to a person or domestic animal or has threatened a person with bodily harm or when a dog has a propensity to cause bodily harm to any person and that propensity is known or reasonably should be known to the owner. "Vicious" also means a dog that has the propensity or disposition to attack or otherwise endanger the safety

of person or other domestic animals as demonstrated by habitual barking, chasing, snapping, or snarling in a threatening manner.

- (8) "Exotic" means any animal that is not a typical domestic animal for household habitation or is a domestic animal other than a cat or dog and specifically includes all of the following:

- (a) Nonhuman primates and prosimians, including chimpanzees and monkeys.
- (b) Felids, except domesticated cats of the subspecies *Felis silvestris catus*, including lions, tigers, and other felids generally referred to as big cats;
- (c) Canids, except domesticated dogs of the subspecies *Canis lupus familiaris*, including foxes not born, bred, and raised in captivity, and all wolves, coyotes, and wolf hybrids.
- (d) Ursids, including all bears.
- (e) Elephants.
- (f) Crocodilians, including alligators and crocodiles.
- (g) Marsupials, including kangaroos, wallabies, and opossums.
- (h) Hippopotami.
- (i) Rhinoceroses.
- (j) Hyenas.
- (k) Mustelids, except domestic ferrets, including skunks, otters, and badgers.
- (l) Procyonids, including raccoons and coatis.
- (m) Dasypodidae, including anteaters, sloth, and armadillos.
- (n) Viverrids, including mongooses, civets, and genetis.
- (o) Reptilia over 3 feet in length, including boa constrictors, pythons, and any other snakes.
- (p) Venomous reptilia.
- (q) Cervids, except farm-raised deer that are kept by a person registered under s. 95.55, Wis. stats.
- (r) Pigs, including all derivatives and hybrid varieties

(s) Chickens, generally known as *Gallus gallus domesticus* and including the species red junglefowl and its sub-species and all hybrid varieties.

(t) Goats, including the members of the bovid family, which are generally hoofed animals

B. . Animal control officer

- (1) Authority. Any Village Board member, or Village employee is authorized to perform the duties of animal control officer in and for the Village of LaValle. In addition, the village president with approval of the village board may designate any other person to assist with performing the duties of animal control officer.
- (2) Duties. The animal control officer shall attempt to apprehend any dog running at large within the Village or that acts in violation of this ordinance. It shall be the duty of the animal control officer to impound, keep, care for, or destroy such dogs as are apprehended or delivered into the officer's custody under the provisions of this ordinance and Chapter 174 of the Wisconsin Statutes.
- (3) Fees. The animal control officer shall be entitled to such compensation and fees as may be fixed by the village board.

C. Exotic or wild animals prohibited

Persons within the Village of La Valle are prohibited from owning, harboring or keeping any "Exotic" or wild animals, including but not limited to: monkeys, apes, raccoons, panthers, cougars, wolves, foxes, bison, llamas, constrictor snakes, all poisonous animals, insects, or reptiles, and other similarly exotic or wild animals. The Village board may grant an exception license / permit to this prohibition pursuant to the procedures outlined below.

D. License required

Any person in the Village of LaValle who owns, harbors, or keeps any dog or cat more than five (5) months of age must comply with the provisions of Secs. 174.05 through 174.09, Wis. Stats., relating to the listing, licensing and tagging of the dog or cat. Any dog or cat living in the Village that is five (5) months of age or older as of January 1 of any year must be licensed. Costs of license for unsprayed females and unneutered males is Ten Dollars (\$10.00) and for neutered males and spayed females is Seven Dollars (7.00), or one-half of these amounts if the dog becomes five (5) months of age after July 1 of the license year.

E. Restrictions on keeping dogs or cats

Persons within the Village of LaValle are prohibited from owning, harboring or keeping any dog or cat which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the village;
- (2) Assaults or attacks any person;
- (3) Is at large within the limits of the village;
- (4) Habitually barks, cries or howls to the annoyance of any person or persons;
- (5) Kills, wounds or worries any domestic animal;
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies; or
- (7) Is deemed vicious.
- (8) Has recieved more than Three (3) complaints regarding its behavior, from residents of the village.
- (9) Is habitually within 15 feet of any utility meter.

F. Limiting number of dogs or cats

The Village of LaValle limits the number of dogs or cats on any particular property or owner to the following: 2 cats and 2 dogs. This limitation shall not apply when anyone of the 2 cats or 2 dogs have a litter, which in that case this limitation may be exceeded for a period of 10 weeks. In addition any adult person may complain to the animal control officer regarding the number of animals on a premises and the alleged nuisance created by said animals. The animal control officer shall notify the owner of the property on which the animals are housed, of the alleged violation and the provisions of this ordinance. If such complainant(s) subsequently observe a violation involving the same property, the complainant(s) may submit a written petition for commencement of prosecution to obtain compliance with this section. Such written petition shall contain the following:

- (1) Name and address of complainant(s).
- (2) Description of dog(s) and/or cat(s) and address of owner.
- (3) Dates and times violations were noted.
- (4) Date reported to the animal control officer.
- (5) Statement that petitioner(s) will be willing to sign complaint and testify in court.

G. Barking dogs or crying cats

No person may knowingly 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 in such manner as to materially disturb or annoy persons of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance.

H. Dog and cat defecation

- (1) It shall be unlawful for any person to cause or permit a dog or cat to defecate on the property, public or private, not owned or possessed by such person, if such person does not immediately thereafter remove and clean up the animal waste and dispose of it in a manner approved by state and other local regulations.
- (2) Complaint Procedure. Any adult person may submit a complaint regarding violations of this section to the Village of LaValle. The Village Clerk shall notify the owner or person in possession of the alleged violation and inform them of the provisions of this section in writing. If the owner or person in possession are subsequently observed violating this section, any adult person may submit a written petition to the Village requesting prosecution to obtain compliance with this action. Such written petition shall contain the same information as required for a petition under Section F of this Ordinance.

I. Quarantine

- (1) Any owner who suspects that a dog or cat is infected with rabies or has been exposed to rabies infection, or who knows or suspects that the dog has bitten any person, shall notify the animal control officer and shall quarantine the dog for no less than 10 days, during which time the animal shall be examined by a veterinarian as required by Sec. 95.21(5)(b), Wis. Stats.
- (2) Any person who suspects that a dog or cat is infected with rabies or has been exposed to rabies infection, or who knows or suspects that the dog has bitten any person, shall notify the animal control officer who shall order the dog quarantined for no less than 10 days, during which time the animal shall be examined by a veterinarian as required by Sec. 95.21(5)(b), Wis. Stats.
- (3) Pursuant to Sec. 95.21(5)(b), Wis. Stats., during the quarantine period the dog or cat shall be examined a minimum of three times by a veterinarian: on the first day of the quarantine, on the last day

of the quarantine, and on one intervening day. The examination fees and all costs shall be paid by the owner.

- (4) The animal control officer may allow the animal to be quarantined on the owner's premises only if the animal is currently immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. If the owner cannot quarantine and isolate the dog or cannot provide proof of vaccination, the animal will be placed in a licensed veterinarian clinic by the animal control officer and all costs shall be paid by the owner to the clinic before the release of said animal.
- (5) Strays. Whenever a stray dog or cat bites a person, the animal control officer shall quarantine the animal at a licensed veterinarian animal clinic and the animal shall be isolated at the clinic for no less than ten (10) days, during which time the animal shall be examined as required by 95.21(5)(b) of the Wisconsin Statutes. All boarding and examination fees shall be paid by the owner, if located.

J. Impoundment

The animal control officer shall keep and confine any impounded dogs or cats in a suitable place. The animal control officer to whom a dog or cat is delivered shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort. The officer shall check the lost and found column of the local newspapers having general circulation in the Village to determine if a dog or cat is advertised which answers to the description of the dog or cat impounded.

K. Release of dog to owner

The animal control officer may release the dog or cat to its owner or a representative of the owner only if:

- (1) The owner or representative gives his or her name and address.
- (2) The owner or representative presents evidence that the dog or cat is licensed and presents evidence that the dog or cat is vaccinated against rabies or a receipt from a licensed veterinarian for pre-payment of a rabies inoculation.
- (3) The owner or representative pays all the impoundment fees due for the dog or cat.

L. Release of dog or cat to person other than owner

The animal control officer may release the dog or cat to a person other than the owner only if:

- (1) The owner is unknown or does not claim the dog or cat within seven (7) days after the dog is delivered to the animal control officer;
- (2) The person to whom the dog or cat is released gives his or her name and address;
- (3) The person to whom the dog or cat is released signs a statement agreeing to license the dog or cat and to have the dog or cat vaccinated against rabies unless evidence is presented that the dog or cat is licensed and vaccinated; and
- (4) The person to whom the dog or cat is released, if required by the animal control officer, pays all the impoundment fees due for the dog or cat.

M. Sacrifice or use for humane purposes if dog or cat is unclaimed

A dog or cat which is not released to its owner or to a person other than its owner within the impoundment period is deemed unclaimed. The impoundment period is for seven (7) days after the dog or cat is delivered to the animal control officer. The animal control officer may extend the impoundment period if release of the dog or cat to the owner or a person other than the owner appears likely. The animal control officer may dispose of an unclaimed dog or cat by releasing it as provided under Sec. 174.13, Wis. Stats. or by disposing of the animal in a proper and humane manner.

N. Records and reports

The operator of the pound to whom a dog or cat is delivered shall keep a record of each animal, giving a description of the animal, the dates of impoundment, if any, and the disposition of the animal. If the animal is kept by or released to a person the record shall include the name, address and the date of delivery of the dog or cat, together with a record of boarding fee and/or adoption fee paid.

O. Exception Procedure for Exotic Animals

A person who wishes to own, possess, harbor, or maintain an "Exotic" animal may apply for a special exception license/permit pursuant to the terms of this section:

- (1) The license term shall be from July 1 through June 30. The license fee shall be \$50.00(non-refundable) which fee shall cover the costs of issuing the license/permit and administrative review and compliance. Renewal Fees shall be \$25.00
- (2) The person shall complete an application for the Exception, which shall include at a minimum the following: Name and Address;

Legal Description; a description of the exotic animal and photographs; the names and address of all property owners within a 100 foot radius of the subject property; and payment of the license fee; proof of insurance in a minimum amount of \$300,000 for personal injury and property damage; and a statement of the applicant's reasons for wishing to keep the subject animal and how the public will be protected.

- (3) A public hearing shall be convened (pursuant to a class 1 notice) for the purposes of considering the proposed application. All property owners shall be notified of the public hearing, via USPO or other methods approved by the Village Board.
- (4) Issuance of License/Permit.
 - (a) Upon approval by the Village Board, after the public hearing, and subject to any additional restrictions or regulations required by the Village Board, the clerk will issue the annual license/permit upon the submission of the applicant of all required items.
 - (b) The Village Board shall consider the placement of restrictions and regulations on the license/permit, including but not limited to: the number of animals (1 for pigs and 6 for chickens); leash restrictions, fencing and housing of the animals on the property; prohibition of being "at large and loose" within the village; proof of any shots or other disease control; the type of non-allowable types, such as roosters; type of cages or runs for the animals; prohibition of slaughtering the animals
 - (c) The License/Permit may be revoked and terminated, if in the event the applicant violates any provisions of the ordinances relating to this License or attendant ordinances relating the regulation of animals.
 - (d) Under no circumstance may the subject animals be kept in the front yard of the subject property and the use by the applicant is for personal purposes only and no breeding shall be allowed. In addition, any housing of the animals must be 10 feet from any side yard or rear lot line, subject to being 25 feet from any adjoining residence.

P. Penalty


Any person who violates any provision of this section shall upon conviction forfeit not more than Twenty-Five Dollars (\$25.00) for a first offense, not more than Fifty Dollars (\$50.00) for a second offense, and not more than One Hundred

Dollars (\$100.00) for a third or subsequent offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the county jail until payment is made, but not exceeding 30 days for each violation.

Q. Effective Date

This ordinance shall take effect upon passage and publication as required by law.

ATTEST:



COLETTE RADTKE
Village Clerk

APPROVED:



CODY KOWALKE
Village President

Adopted: Aug. 13, 2018.

Published: Aug. 14, 2018.