

# Chapter 101

## ANIMALS (Amended 4/14/16)

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[HISTORY: Adopted by the Village Board of the Village of Genoa City as Title 7, Ch. 1 and § 6-1-9 of the 1984 Code. Amendments noted where applicable.]

### GENERAL REFERENCE

Nuisances -- See Ch. 186.

Peace and good order -- See Ch. 194.

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### § 101-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

**ANIMALS** -- For the purpose of this document meaning any domestic pet such as canine, feline, fowl/ poultry or birds, snakes, lizards, spiders and insect(s).

**AT LARGE** -- To be off the premises/ residence of the owner and not under the control of some person by leash, 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 the dog or cat, shall be deemed to be upon the owner's premises. This includes the sidewalk open to the public adjacent to the animal owner's property, commonly referred to as the "terrace".

**CAT** -- Any feline, regardless of age or sex.

**DOG** -- Any canine, regardless of age or sex.

**DOMICILE** -- A "domicile" is a person's true, fixed, and permanent home where a person intends to remain permanently and indefinitely and to which a person has the intention of returning, whenever absent. It is often referred to as "legal residence." A person has only one domicile at any point in time. Your domicile depends on where you live, where you vote, where you register your vehicles and where you own or rent property.

**EXOTIC DANGEROUS ANIMAL** -- Any animal that is poisonous, venomous or has the ability to constrict its prey.

**FAMILY** -- One or more persons.

**FOSTER DOG** -- A dog being cared for and evaluated in a home by an individual or family until a permanent home can be found for the dog.

**HEN** -- A female chicken. Also referred to as Fowl/ Poultry in this document.

**NEUTERED** -- As used herein as describing a dog or cat shall mean a dog or cat having nonfunctional generative organs.

**OWNER** -- Any person owning, harboring or keeping a dog or cat, and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog or cat within the meaning of this chapter. The parent or guardian of any minor claiming ownership of any dog shall nevertheless be deemed to be the owner of such animal and shall be charged for all penalties and pound fees imposed by this chapter.

**RESIDENCE** -- Any structure in the Village zoned for residential living, also referred to as premises. May be owned by resident or rented. Examples: single family home, duplex, townhome or apartment or multi-unit complex.

**RESIDENTIAL LOT** -- A parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or un-platted. For the purpose of this chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

**ROOSTER** -- An adult male chicken.

**SERVICE ANIMAL** -- an animal trained to mitigate the disability of its owner whether the disability is visible, medical, emotional or psychiatric in origin. Service animals can go anywhere the owner goes.

**VICIOUS DOG** -- a dog that is one who inflicts unjustified, serious injury or poses an imminent threat of unjustified, serious aggression toward people or other animal(s). A dog that has three documented founded complaints against it or prior documented founded complaints from another jurisdiction that meets the above criteria for classification as vicious.

## **§ 101-2. License required.**

- A. It shall be unlawful for any person in the Village of Genoa City to own, harbor or keep any dog more than five months of age without complying with the provisions of

§§ 174.05 through 174.09 and 174.15, Wis. Stats., relating to the listing, licensing and tagging of the same.

- B.** The owner of any dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, or on or before the date the dog becomes five months of age, pay the dog license tax and obtain a license.
- C.** The fee for a dog license shall be as set by the Village Board. The Village Board may by resolution increase the amount of the license fee, but the additional fee shall not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received pursuant to § 174.09(2), Wis. Stats.
- D.** Upon payment of the required dog license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by § 101-3 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. A duplicate copy of the license shall be kept on file by the Village Clerk-Treasurer. The 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.
- E.** 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.
- F.** The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Pursuant to § 101-5, any Village police officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- G.** The Village Clerk-Treasurer shall assess and collect a late fee as provided in § 174.05, Wis. Stats., from any owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 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.
- H.** Notwithstanding the foregoing, every specifically trained and certified service dog is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license, upon providing proof of vaccination, from the Village Clerk-Treasurer upon application.
- I.** Dogs being fostered in the Village are not required to be licensed provided they are not fostered for more than three months. If the dogs are to be fostered for more than three months, then such dogs must be licensed. Individuals fostering dogs shall provide the Village Clerk with written proof from a shelter or Rescue Organization identifying the dogs being fostered.

### **§ 101-3. Control of rabies.**

The owner of a dog or cat shall have the animal vaccinated against rabies by a veterinarian within 30 days after the animal reaches four months/ sixteen weeks of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog/cat or brings the dog/cat into this Village after the dog/cat has reached four months of age, the owner shall have the dog/cat vaccinated against rabies within 30 days after the dog/cat is obtained or brought into the Village unless the dog/cat has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of an animal shall have said animal revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. Residents who harbor cats must maintain vaccination records and must produce up to date vaccination records upon the request of a law enforcement/ code enforcement officer investigating any animal bite, animal running at large or complaint of exceeding the number of animals per residence complaint.

### **§ 101-4. Regulation of dogs/cats/ fowl/ poultry.**

- A. Vicious dogs.** A dog is deemed vicious if it is one who inflicts unjustified, serious injury or poses an imminent threat of unjustified, serious aggression toward people or other animal(s). Prior documented founded complaints from another jurisdiction that meets the above criteria for classification shall be required for a dog to be considered vicious.
- (1) Euthanizing of Vicious Dog.** Any vicious dog which is found on or off the premises of its owner and has caused substantial serious injury to a person or another animal 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 euthanized in a humane manner by a qualified veterinarian or veterinarian technician, which the cost of the procedure & impoundment be the responsibility of the animal owner.
  - (2) Exemption:** Any Dog on the premises/ residence of the owner who inflicts injury or substantial injury to another who is at said location and is engaging in criminal behavior such as but not limited to burglary, robbery or assault is exempt from being considered vicious.

**B. Violation of animal restrictions.** It shall be unlawful for any person within the Village of Genoa City to own, harbor or keep any dog, cat or poultry which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
- (2) Assaults or attacks any person without provocation. No visible injuries need be present.
- (3) Is at large within the limits of the Village. No owner of any dog/ cat or fowl in the Village shall allow such dog/ cat or fowl to run at large within the Village limits except on such owner's premises/ residence or within his immediate presence and under his immediate and effective control. Any dog/ cat or fowl found within the Village limits **not** within the owner's premises or within his immediate presence and control shall be deemed to be running at large, and the owner thereof shall be deemed to have allowed such dog or cat to run at large.
- (4) All dogs within the limits of the Village SHALL be on a leash if not on the animal owner's private property. All dogs on any sidewalk adjacent the animal owner's property and the terrace must be on a leash.
- (4) Habitually barks or howls to the annoyance of any person or persons. The keeping of howling, barking and whining dogs to the continuous annoyance and discomfort of surrounding neighbors, so that their rest is broken, sleep interrupted, and the reasonable use and enjoyment of their property disturbed, is a nuisance. Such dog may be taken into custody and impounded.
- (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.
- (7) Vicious dogs may not be brought into the village. Any other dog brought from another city, village, town or county or state that has been declared vicious or prohibited or its equivalent by that jurisdiction may not house, harbor or keep at any location in the Village of Genoa City.
- (8) No vicious dog shall be allowed off the premises of its owner unless muzzled & leashed.
- (9) Posting of warning of dangerous vicious dog on premises. Any resident who harbors a dog that has been deemed by a court official in the State of Wisconsin or by prior contact history with the Village of Genoa City police department per the Chief of police, or a history in another jurisdiction or state that meets the definition of Vicious dog, shall post one warning sign near the front or most common visible entrance to the animal owner's premises/ residence.

- C. **Neglect of animals.** It shall be unlawful for any person owning or responsible for confining any animal to refuse or neglect to supply such animal with a sufficient supply of food and water or fail to provide such animal with proper shelter as prescribed in §§ 951.13 and 951.14, Wis. Stats.

**§ 101-5. Animal feces.**

Any person owning or having control of any dog, cat or other animal shall clean up the feces of such animal immediately and dispose of it in a sanitary manner. No animal feces shall be permitted to remain exposed upon any public or private property of another resident.

**§ 101-6. Impounding dogs and cats.**

- A. **Impounding.** Any dog found running at large may be immediately taken into custody by any police or peace officer.
- B. **Disposition of impounded dogs.** Any dog taken in custody pursuant to this section shall be impounded in a suitable place to be provided by the Village. The release of any dog so impounded shall be conditioned upon payment by the owner of such dog of the minimum penalty imposed hereby and an additional penalty of \$25, together with costs of the maintenance of such dog while so impounded. Animals impounded shall be taken to Lakeland Animal Shelter as soon as possible after a reasonable attempt is made to locate the owner of the animal.

**§ 101-7. Duty of owner in case of dog/ cat bite.**

Every owner or person harboring or keeping a dog/cat who knows that such dog/cat has bitten any person shall immediately report such fact to the on duty village police officer and shall keep such animal confined for not less than 14 days or for such period of time as the Health Officer or licensed veterinarian shall direct. The owner or keeper of any such animals shall surrender the animal to the Health Officer or any Village police officer upon demand for examination.

**§ 101-8. Keeping of dogs in residential districts.**

- A. **Purpose.** The keeping of a large number of dogs in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of a large number of dogs is, therefore, declared a public nuisance.
- B. **Number of dogs limited.**
- (1) No family shall own, harbor or keep in its possession more than three dogs on any residential lot without the prior approval of the Village Board, except that a litter of pups or a portion of a litter of pups or a portion of a litter may be kept for not

more than ten (10) weeks from birth. If more than one family resides on a residential lot, then only two dogs shall be allowed on the residential unit unless prior approval is obtained from the Village Board.

- (2) The above requirement may be waived with the approval of the Village Board. Such application for waiver shall first be made to the Safety Committee (Protection of Persons and Property Committee) of the Village Board, which shall receive reports from the Health Officer and the Police Department on such application. After deliberation and recommendation, the Safety Committee shall forward the matter to the Village Board for its approval or denial.

#### **§ 101-9. Keeping of cats in residential districts.**

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

- B. **Number of cats limited.**

- (1) No person shall own, harbor or keep in his possession more than two cats on any residential lot without the prior approval of the Village Board, except that a litter of kittens or a portion of a litter may be kept for not more than 10 weeks from birth. If more than one family resides on a residential lot, then only two cats shall be allowed on the residential lot unless prior approval is obtained from the Village Board.
- (2) The above requirement may be waived with the approval of the Village Board. Such application for waiver shall first be made to the Safety Committee (Protection of Persons and Property Committee) of the Village Board, which shall receive reports from the Health Officer and the Police Department on such application. After deliberation and recommendation, the Safety Committee shall forward the matter to the Village Board for its approval or denial.

#### **§101-10. Keeping of animals and fowl.**

- A. **Sanitary requirements.** All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors. Interior walls, ceilings, floors, partitions and appurtenances of such structures, except structures or houses occupied by no more than one dog, cat, rabbit, or similar animal kept as a pet, shall be whitewashed or painted annually or more often as the Health Officer shall direct.
- B. **Animals excluded from food-handling establishments.** No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold,

offered for sale or processed for consumption by the general public. Exceptions are certified & trained service animals.

- C. **Limitations in or adjacent to residential areas.** Household pets are permitted, including animals or fowl ordinarily permitted in the house or kept for company or pleasure, such as birds, canaries, rabbits, mice and the like, provided that not more than two animals of any one kind are kept on any one premises and provided further that no animals, fowl or pets are bred or reared on such premises for commercial purposes or sold therefrom. This subsection does not include or apply to dogs and cats which are governed and regulated in §§ 101-8 and 101-9 of this chapter. Roosters or adult male chickens are prohibited in the Village of Genoa City.
- D. **Fowl/ Poultry per residential lot.** Up to four chickens (female hens) may be kept upon any fenced single family residential lot for the purpose of egg production, school or extracurricular activity (4H or Scouts). All food sources shall be stored in metal or appropriate container to reduce vermin from seeking a food source. All waste from residential fowl/ poultry must be collected and disposed of in a sanitary manner. Owner of poultry or fowl are responsible for containment at all times. Two or more complaints to the Village of Genoa City Police for Fowl/ Poultry running at large, after a conviction in municipal court, may be ordered to remove the Fowl/ poultry from the Village for 24 months. The owner of the Fowl/ Poultry shall not slaughter, process or butcher same. Such processing must be conducted outside the village.
- E. **Exotic Dangerous Animals Prohibited.** No resident of the Village of Genoa City may possess, own or harbor any animal, as defined in this code that is capable of releasing poison/ venom, is of a constricting snake breed (Boa or Python), arachnid or insect that has a venomous/poisonous sting or bite.
- F. **Keeping of wild game prohibited.** No resident of the Village of Genoa City will keep, contain or harbor any native animal considered wild game per WI SS 169.04, to include but is not limited to bears, raccoons, opossum, squirrel(s), bobcat & skunks. Exemption to this is trapping or containing an injured wild animal as defined in the above state statute for not more than 24 hrs. to transport to a licensed rehabilitation facility or to relocate nuisance wild game out of Village limits.

#### **§ 101-11. Collecting officials. [Added 6-8-1995]**

- A. Lakeland Animal Welfare Society, Inc., and its authorized employees are hereby designated as collecting officials under § 174.065, Wis. Stats., with full authority to issue dog licenses and collar tags pursuant to § 174.07, Wis. Stats.
- B. Lakeland Animal Welfare Society, Inc., shall remit all license fees and license blanks to the Village Clerk-Treasurer as directed.