

ORDINANCE NO. 2018-1**AN ORDINANCE TO ESTABLISH AND ENFORCE AN EFFECTIVE AND EFFICIENT MANNER OF ENFORCING LAWS RELATING TO CONTROL OF ANIMALS.**

The Village Board of the Village of Oliver, Douglas County, Wisconsin does ordain as follows:

Chapter 315 of the Oliver Municipal Code is created to read as follows:

CHAPTER 315. ANIMALS**SECTION 1. PURPOSE**

The purpose of this chapter is to promote and protect the health, safety, convenience and general welfare of the people of the Village of Oliver.

SECTION 2. DEFINITIONS.

For the purposes of this chapter, the following words shall have the meanings ascribed to them:

ANIMAL. Any fish, fowl, reptile, mammal or any other fauna of whatever variety.

AT LARGE. Off the premises of the owner and not under the immediate control of the owner.

DOMESTIC ANIMAL. An animal of a species which is generally bred or kept by human beings and which does not generally exist untamed and in the wild.

LARGE ANIMAL. An animal belonging to a species which is large regardless of the actual size or age of the individual and/or shall mean an animal which is large in comparison to other animals of the same species.

NONDOMESTIC ANIMAL. An animal of a species which is generally not bred or kept by human beings and which generally exists untamed and in the wild.

OWNER. Any person who owns, keeps, harbors or has custody of an animal or any person who resides with a person who accepts from the owner temporary or permanent keeping or custody of an animal shall be considered an owner of the animal.

SECTION 3. OWNERS TO EXERCISE PROPER CONTROL OF THEIR ANIMALS

- A. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance. Excessive, continuous or untimely barking, the making of loud, continuous or disruptive noises, molesting or threatening persons, chasing vehicles, attacking other domestic

animals, or running at large on public or private property shall be deemed a nuisance. Any animal becoming a nuisance may be impounded. Any dog which is tied to a leash which, at its full length, reaches within three feet of a public right-of-way shall be deemed a nuisance regardless of any grounds for determining a nuisance.

- B. Owners are responsible for prohibiting their animals from creating a nuisance on public or private property and for proper control of their animals.
 - 1. No person owning, harboring or controlling a dog shall knowingly allow such dog to defecate on public or private property without the consent of the owners of said property.
 - 2. The term "public property" shall include all streets, alleys, parks and any public rights-of-way.
 - 3. For the purposes of this subsection, a person knowingly allows a dog to defecate if such person is physically present when the dog defecates and does not immediately pick up and dispose of the feces, or such person has been notified in writing by the owner of the property or a person acting as an official agent of said property that such a person's dog defecated on his property.
 - 4. This section shall not apply to blind persons with Seeing Eye dogs.
- C. All cats shall be properly leashed, fenced or under the proper control of the owner to prevent the cat from becoming a public nuisance under the provisions listed in Subsection A above.
- D. Any person violating any provision of this section shall be subject to forfeiture of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) for subsequent offenses.

SECTION 4. IMPOUNDMENT

The Village Board or its designated agent who captures and restrains an animal within the Village of Oliver shall notify or deliver the animal to the animal shelter. Unless redeemed by their owners, all domestic animals which are impounded shall be kept and disposed of in accordance with the provisions of § 173.23, Wis. Stats., as such statute may from time to time be amended.

SECTION 5. FEE FOR REDEMPTION OF IMPOUNDED ANIMALS

Until such times as the animal is disposed of by the pound, the owner of an animal impounded may reclaim the animal upon payment of the applicable license fee, if unpaid, and upon payment of all costs and charges incurred by the Village for the capture, impounding and maintenance of the animal, including but not limited to impoundment fees as established by the appropriate Board-designated provider.

SECTION 6. CRUELTY; PENALTY

- A. No person shall:
 - 1. Intentionally torture any animal or without justification kill any domestic animal of another without the owner's consent;

2. Abandon or fail without reasonable excuse to provide necessary food, care or shelter for any animal in his ownership;
 3. Intentionally poison any domestic animal of another without the owner's consent or place poison in any place with intent that it be taken by a domestic animal of another;
 4. Intentionally transport or confine any animal in a cruel manner;
 5. Intentionally participate in the earnings of any place for baiting or fighting animals or intentionally maintain or allow any place to be used for such purpose; or
 6. Fail to treat an animal in a humane manner.
- B. All penalties and fines levied due to a violation of this section shall be in accordance with §§ 951.18, 939.50 and 939.51, Wis. Stats.

SECTION 7. RABIES CONTROL

Wisconsin Statutes § 95.21, Rabies control program, and such amendment to said section as may from time to time be made, is hereby incorporated and adopted. It is hereby made the duty of the owner of any animal which the person knows to have been exposed to rabies or has bitten any person to immediately notify the Douglas County Sheriff or Health Department of such fact and to release the animal to the Douglas County Sheriff or Health Department upon demand.

SECTION 8. DOG LICENSES REQUIRED

Every owner of a 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. The license year commences on January 1 and ends on the following December 31.

SECTION 9. ISSUANCE OF DOG LICENSES; LICENSE TAX

Dog licenses shall be issued by the Village Clerk-Treasurer or such persons as he may deputize for the purpose of issuing licenses and collecting license taxes. Licenses shall be issued to owners who pay a license tax as set by the Village Board.

SECTION 10. PROOF OF RABIES VACCINATION

No dog licenses shall be issued for any dog until evidence has been presented that the dog is currently immunized against rabies.

SECTION 11. ISSUANCE OF LICENSE AND TAG; LICENSE FEES NOT REFUNDABLE

Upon the issuance of a dog license, the Village Clerk-Treasurer or person deputized by him shall issue to the owner a license certificate and a metallic tag for each dog licensed. The shape of the tag shall be changed each year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the license certificate. Each owner shall be required to provide each dog with a collar to which the license tag shall be affixed and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the Village Clerk-Treasurer upon presentation of a receipt showing the payment of the license fee for the current year; no fee for a

duplicate shall be charged per § 174.07(1)(f), Wis. Stats. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee

SECTION 12. UNTAGGED DOGS

No owner of a dog shall negligently or otherwise permit his dog to be untagged. A dog is considered to be untagged if a valid dog tag issued pursuant to Section 11 is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced yard.

SECTION 13. EXEMPTION

Every dog specially trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Clerk-Treasurer. Dogs whose owners are nonresidents temporarily within the Village or dogs brought into the Village for the purpose of participating in any dog show are exempt from the dog license tax.

SECTION 14. KEEPING OF DOGS AND CATS

No person shall keep more than three dogs and three cats in any residential lot, with the exception that a litter of pups or a portion of a litter may be kept for a period of time not exceeding five months from birth. Residential lot shall mean a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or un-platted, and under common ownership. For the purpose of this section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

SECTION 15. KEEPING OF LIVESTOCK

No person shall keep or maintain a horse, mule, cow, pig or similarly large animal in any residential lot.

SECTION 16. KEEPING OF CHICKENS

The keeping of hens, the female of the chicken shall be permitted in single family residential lots, provided that the following conditions are met:

- A. License to own, keep and/or harbor chickens.
 - 1. No person shall own, keep or harbor any chickens, or build, erect or maintain and use any chicken coop, house, yard or other building or structure to keep or harbor chickens anywhere within the Village without obtaining a license.
 - 2. Any person who owns, keeps or harbors chickens in the Village of Oliver shall obtain a license within 30 days of acquiring the chickens.
 - 3. License Period. The term year of a license commences on January 1 and ends the following December 31. Residents deciding to own, keep and/or harbor chickens for successive years must obtain a new license for each term year they own, keep or harbor such chickens.
 - 4. License Fee. Chicken licenses shall be issued by the Village Clerk-Treasurer. A non-refundable license fee of \$10.00 is due at the time of application filing.

5. How to Apply. Applications shall be made in writing on the forms provided by and filed with the Village Clerk-Treasurer's Office, who forwards the same to the Planning Commission for approval. The application must contain a scale drawing showing property lot lines, dimensions of coop/enclosure and distance from adjoining lot lines and residential structures.
- B. No person shall keep more than six birds.
- C. Coops.
 1. Birds shall be kept in an enclosed outdoor coop, an accessory structure used for the purpose of keeping live Birds, so as to offer protection from weather elements and from predators and trespassers.
 2. Coops shall be built and kept in such a manner, large enough to provide at least three-square feet per Bird and allow the Bird easy ingress and egress to an enclosed Bird yard. Coops shall not exceed eight feet in height.
 3. Coops shall be covered with uniform materials and shall be maintained intact with all parts secure. Any repairs shall maintain consistency with original structure in appearance and condition. The coop must be replaced, removed, or repaired upon evidence of deterioration.
- D. Yard.
 1. Coops shall be connected with an enclosed yard or run.
 2. Birds may be allowed to roam in a fenced back yard but shall not be allowed to roam outside of the fenced yard. Birds must be returned to the secured coop each night.
 3. Yard constructed with wire mesh fencing shall retain a flat, uniform plane, in a well-maintained, safe condition.
- E. Location and setback.
 1. Street setbacks. Coops and Yards shall not be located in the front yard.
 2. Setbacks to habitable structures. In addition to setback requirements for accessory structures, coops shall be located a minimum of 15 feet from any existing structures on any adjoining parcel, such as dwellings, non-residential buildings, patios, porches, gazebos, decks or swimming pools, but not including storage structures such as garages or sheds.
- F. Prohibitions and management practices.
 1. Roosters. The keeping of roosters shall not be allowed.

2. Odors. Coops must be kept in a clean, dry and sanitary condition at all times. Yards must be cleaned on a regular basis so they remain free from undue accumulated waste, such as to cause odors reasonably detectable on adjacent properties.
 3. Feed. All feed for Birds shall, except when placed for consumption by the Birds, be kept in containers with tightly fitted lids that are rodent proof
 4. Maintenance of Coops. Coops shall be maintained in good repair and non-dilapidated condition.
 5. Slaughter. No person shall slaughter chickens within the Village of Oliver.
- G. Any person violating any provision of this section shall be subject to forfeiture of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) for subsequent offenses.

SECTION 17. KEEPING LARGE, NONDOMESTIC ANIMALS PROHIBITED

Except as provided in this chapter, no person shall keep or maintain any large, predatory, nondomestic animal within the Village. Such animals include, but are not limited to, lions, tigers, mountain lions, other wild cats, bears, wolves and foxes.

SECTION 18. ENFORCEMENT

The Village Board or its designated agent shall enforce the provisions of this ordinance and state law. Any person may call or deliver a complaint to the Village Board or its designated agent stating the facts and circumstances of an alleged violation of this ordinance. The Village Board or agent may investigate such complaint.

SECTION 19. EFFECTIVE DATE

This ordinance shall take effect upon passage and publication.

Passed and adopted this 29th day of May, 2018.

VILLAGE OF OLIVER,

BY: 
Gary Abraham, Village President

ATTEST: 
Julie Abraham, Village Clerk-Treasurer

Vote: 3-0 Posted: 5/30/18 Date of Publication: 6/5/2018