

## CHAPTER 25

### CARE AND LICENSING OF ANIMALS

- 25.01 Definitions
- 25.02 State Regulations
- 25.03 Animal Officer
- 25.04 Identification
- 25.05 Animals at Large and Exercise
- 25.06 (Repealed 10/24/2015)
- 25.07 Howling Animals
- 25.08 Wild or Vicious Animals
- 25.09 Prohibition Against Animals on Public Grounds and Facilities
- 25.10 Restrictions on the Number of Dogs and Cats
- 25.11 Location of Dog Houses, Pens and Kennels
- 25.12 Female Animals in Season
- 25.13 Rabies Control and License Requirements
- 25.14 Injured Animals
- 25.15 Bites/Scratches
- 25.16 Mistreatment of Animals
- 25.17 Transportation of Animals
- 25.18 Taking Without Owner's Consent
- 25.19 Use of Poisonous and Controlled Substance
- 25.20 Providing Proper Food and Drink to Confined Animals
- 25.21 Providing Shelter
- 25.22 Abandonment
- 25.23 Exploitation
- 25.24 Sale of Turtles
- 25.25 (Reserved for Future Use)
- 25.26 (Reserved for Future Use)
- 25.27 (Reserved for Future Use)
- 25.28 Penalty

#### **25.01 DEFINITIONS**

- (1) Animal includes every living, warm-blooded creature except a human being.
- (2) Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
- (3) Law enforcement officer has the meaning assigned under Section 967.02(5)

of the Wisconsin Statutes and includes a humane officer under Statute Section 58.07 and agent as authorized by this ordinance but does not include a conservation warden appointed under Statute Section 23.10.

(4) Farm animal means any warm-blooded animal normally raised on farms in the United States and used or intended for use as food or fiber.

(5) Kennel means any establishment wherein or whereon dogs or cats are kept for the purpose of breeding, sale or sporting purposes. (Wisconsin Statutes 174.06(2)(a).

(6) Owner includes every person who owns, harbors or keeps an animal.

(7) (Reserved for future use)

(8) Animal Officer means any person authorized to act by either state law or city ordinance.

## **25.02 STATE REGULATIONS**

The provisions of Wisconsin Statutes pertaining to care and licensing of dogs and other animals are made a part of this ordinance by reference.

## **25.03 ANIMAL OFFICER**

(1) Subject to the review of the City Council and its applicable committee, the Director of Public Works shall have the authority to employ a part-time animal officer and to supervise said animal officer.

(2) The animal officer shall:

(a) Capture all dogs and cats running at large in violation of the provisions of this section 25.03(2) and to temporarily (no longer than 24 hours) impound the same in a proper and suitable place provided therefor and to provide the necessary feed and water for said animal.

(b) Make a reasonable effort to ascertain the owner of said animal and if ascertained notify said owner that the animal has been temporarily impounded. If the owner cannot be ascertained with reasonable effort or cannot pick up the animal within the 24 hour temporary impounding hours, transport the animal to the Humane Society Pound at Portage, Wisconsin, there to be dealt with according to the rules and regulations of said society.

(c) Notify the Chief of Police that said animal has been running at large

and whether said animal has attached to it a license or, if no license, providing sufficient description of said animal and the owner of said animal so as to permit the police department to determine whether the animal is licensed.

#### **25.04 IDENTIFICATION**

The owners of all dogs over three months of age are hereby required to place on said dogs a collar bearing the name and address of the owner of said dog or dogs plainly stamped on said collar.

#### **25.05 ANIMALS AT LARGE AND EXERCISE**

- (1) Dogs, cats, or other domestic animals shall not be permitted to run at large within the city limits. A dog, cat or other domestic animal shall be considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person.
- (2) Dogs, cats or other domestic animals shall be kept on a leash no longer than six (6) feet at all times when off the premises of their owner; and, the person in physical control of the animal shall be competent to supervise and physically capable to restrain the animal.
- (3) The owner or person in control shall not allow or permit the animal to defecate upon the property not owned by such person or without such other property owner's consent or upon any public property, without immediately removing and disposing the excrement in a sanitary manner.

#### **25.06 REPEALED 10/24/2015**

#### **25.07 HOWLING ANIMALS**

No person shall own, keep, have in his possession or harbor any dog or cat which frequently or habitually howls, yelps, barks or otherwise disturbs the peace and quiet of the neighborhood, provided that this subsection shall not apply to the premises occupied or used by the animal officer for the temporary impounding of such animals. It shall also be unlawful to own, keep or have in his possession or harbor any dog or cat which habitually pursues any vehicle or bicycle upon any public street, alley or highway in the City of Wisconsin Dells.

## **25.08 WILD OR VICIOUS ANIMALS**

### (1) Keeping wild and vicious animals.

(a) Except as provided herein, it shall be unlawful for any person to keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, circuses, or exhibitions at which the animal is confined within a permanent enclosure.

(b) It shall be unlawful for any person to harbor or keep a vicious animal within the city. Any animal which is found off the premises of its owner may be seized by any police officer or humane officer and upon establishment, to the satisfaction of any court of competent jurisdiction, of the vicious character of said animal, it may be killed by a police officer or humane officer; provided however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided that such animals are restrained by a leash or chain, cage, fence or other adequate means, from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

### (2) Definitions

(a) "Wild animal" shall mean any live monkey or ape, raccoon, skunk, fox, snake, or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state.

(b) "Vicious animal" shall mean any animal which has previously attacked or bitten any person, domesticated animal or which has behaved in such a manner that the person who harbors said animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons and/or domesticated animal. Notwithstanding section 25.08(1)(b) above, the Chief of Police has the authority to determine any animal to be vicious in nature.

## **25.09 PROHIBITION AGAINST ANIMALS ON PUBLIC GROUNDS AND FACILITIES**

An owner or person having control of any dog or cat shall not permit said animal to enter into or be upon any public park, school ground, public building or other public grounds even if said animal is leashed and within the immediate control of the owner or custodian of the animal.

## **25.10 RESTRICTIONS ON THE NUMBER OF DOGS AND CATS**

Not more than two (2) dogs and two (2) cats shall be allowed on the residence of the owner or the person who has custody of the animal. This restriction shall not apply, however, to puppies or kittens that have not reached the age of five months. Furthermore, anyone who has animals exceeding the number permitted by this ordinance at the time of its passage shall have one year to comply therewith. In addition, this prohibition shall not apply to anyone who obtains a special permit from the City of Wisconsin Dells Council to operate a kennel for business or profit. The permit required shall be obtained after application to the animal officer who shall make a recommendation to the City Council after an inspection and determination that:

- (1) The kennel be maintained in a clean and sanitary condition, devoid of all rodents and objectionable odors.
- (2) The interior walls, ceilings, floors, partitions and appurtenances to all such structures shall be whitewashed or painted annually or more often.
- (3) The kennel is not a health hazard or nuisance.
- (4) The kennel complies with all applicable zoning laws.
- (5) The kennel is not a hazard to the public safety or general welfare.

The animal officer upon complaint of any individual shall inspect the kennel and report any violations of the special permit to the police department of the City of Wisconsin Dells.

## **25.11 LOCATION OF DOG HOUSES, PENS AND KENNELS**

No dog house, pen or kennel shall be maintained closer than 40 feet to any tenant or apartment house, hotel, restaurant, boarding house, retail food store, building used for a school, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which said animals are kept.

## **25.12 FEMALE ANIMAL IN SEASON**

Any female dog in season shall be kept confined in a building or secure kennel enclosure, veterinary hospital or boarding kennel during the duration of such season.

### 25.13 RABIES CONTROL AND LICENSE REQUIREMENTS

(1) Vaccination. Every owner of a dog or cat more than five months of age on January 1 of any year or five months of age within a license year (the word "owner" when used herein in relation to possession of cats and/or dogs includes every person who owns, harbors or keeps a cat or dog), shall annually or within 30 days after such cat or dog becomes five months of age, at the time and in the manner provided by law for the payment of personal property taxes, pay the City of Wisconsin Dells City Treasurer for a cat or dog license tag and obtain a license tag therefor.

(2) Fees.

(a) The license fee for each cat or dog shall be established by resolution adopted pursuant to section 2.05 for the annual license period. The license year shall commence on January 1 and end on December 31.

(b) If a cat or dog becomes 5 months of age after July 1 of the license year, the license fee shall be established by resolution adopted pursuant to section 2.05.

(c) A license shall be issued to the owner of a dog or cat only upon presentation of proof that the dog or cat has been immunized against rabies as provided in Section 95.21(2) of the Wisconsin Statutes.

(d) To qualify for the license fees applied to neutered or spayed cats or dogs as set forth in subs (a) and (b) of this subsection, the owner must present evidence that the cat or dog is neutered or spayed.

(e) A late fee as established by resolution adopted pursuant to section 2.05 shall be assessed and collected from every owner of a cat or dog 5 months of age or over if the owner failed to obtain a license prior to April 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. All late fees received or collected hereunder shall be paid into the City treasurer as revenue.

(f) The license fee for the operation of a kennel shall be established by resolution adopted pursuant to section 2.05 for the annual license period. The license year shall commence on January 1 and end on December 31.

(3) Exceptions. A dog or cat need not be vaccinated if a licensed veterinarian has examined the animal and certified that at such time vaccination would endanger its health because of age, infirmity, debility, illness, pregnancy or other medical consideration. Such exempt animal shall be vaccinated as soon as health permits.

(4) Re-vaccination. Every owner of a dog or cat shall have his dog or cat re-vaccinated within three (3) years of the initial vaccination and not less than once every three (3) years thereafter.

#### **25.14 INJURED ANIMALS**

No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes injured. In the event the owner of such injured animal cannot be located, the City or any animal control agency with whom the City has an agreement or contract, shall have the authority to acquire such animal for the purpose of providing medical treatment and the owner thereof shall be responsible for reimbursement of medical costs.

#### **25.15 BITES/SCRATCHES**

(1) Any dog or other domestic animal that bites or scratches a person shall be kept alone for ten (10) days and brain preserved in the event of death and examined for evidence of rabies. Any warm-blooded wild animal that bites or scratches a person shall be euthanized immediately and the brain preserved and examined for evidence of rabies. Such event shall be reported to the local health officer.

(2) Every owner or keeper of a dog or cat and every other person who knows that a dog or cat has bitten any person shall immediately report such fact to the police department. Such owner or other person shall surrender that dog or cat to the animal officer.

#### **25.16 MISTREATMENT OF ANIMALS**

No person may treat any animal, whether belonging to himself or another, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.

#### **25.17 TRANSPORTATION OF ANIMALS**

No person may transport any animal in or upon any vehicle in a cruel manner.

#### **25.18 TAKING WITHOUT OWNER'S CONSENT**

No person may take an animal from one place to another without the owner's consent or cause such an animal to be confined or carried out of this state or held for any purpose without the owner's consent, except when such animal is taken by a law enforcement officer as designated herein.

## **25.19 USE OF POISONOUS AND CONTROLLED SUBSTANCE**

No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in Section 161.14 of the Wisconsin Statutes, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the harming of the animal. This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.

## **25.20 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS**

No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this section. The food shall be of sufficient quantity and nutritive value to maintain the animals in good health. If drinkable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

## **25.21 PROVIDING PROPER SHELTER**

No person owning or responsible for confining or impounding an animal may fail to provide the animal with proper shelter as prescribed in this section.

(1) Indoor Standards. Minimum indoor standards of shelter shall include:

(a) Ambient temperatures which shall be compatible with the health of the animal.

(b) Ventilation for indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(2) Outdoor Standards. Minimum outdoor standards of shelter shall include:

(a) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or confined, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(b) Shelter from inclement weather.

(i) Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.



(ii) Dogs. If a dog is tied or confined unattended outdoors, a moisture-proof and windproof shelter of suitable size to accommodate the dog shall be provided.

(3) Space Standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(b) Space requirements. Enclosure shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(4) Sanitation Standards. Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

## **25. ABANDONMENT**

No person may abandon any animal.

(1) Any law enforcement officer or agent authorized hereunder may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned, or otherwise treated in a cruel manner and may deliver such animal to the animal control agency or local health officer or such other designated person to be sheltered, cared for, and given medical attention, if necessary. In all cases, the owner, if known, shall be immediately notified and such officer or animal control agency, or such other designated person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of the notice.

### **25.23 EXPLOITATION**

(1) It shall be unlawful to offer or give animals as door prizes in any contest, raffle or lottery unless prior written approval is obtained from either the Mayor or the City Council. It shall be unlawful to exploit any animals for the purpose of fund raising. It shall be unlawful for any person, firm or corporation to sell or offer for sale, barter or give away baby chicks, ducklings or other fowls as pets or novelties, whether or not dyed, colored or otherwise artificially treated. This ordinance shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes.

(2) In the case of any violation of this ordinance, it shall be the duty of the duly appointed humane officer, peace officer or health officer to seize such fowl or pets and provide the necessary care and attention and such fowls or pets shall not be returned until all expenses for such care and attention shall have been paid. Such officer shall have the authority to dispose of such animals if no provision has been made for the expenses incurred within seven (7) days of the seizing of such animals.

#### **25.24 SALE OF TURTLES**

- (1) Definition. As used in this section “turtles” includes all animals commonly known as turtles, tortoises, terrapins and all other animals of the order Testudinata, class Reptilia, except marine species (families Dermochelyidae and Cheloniidae).
- (2) Sales; general prohibition. Except as otherwise provided in this section, viable turtle eggs and live turtles with a carapace of less than 4 inches shall not sold, held for or offered for any type of commercial or public distribution.
- (3) Destruction of turtles or turtle eggs; criminal penalties. Any viable turtle eggs or live turtles with a carapace length of less than 4 which are held for sale or offered for any type of commercial or public distribution shall be subject to destruction in a humane manner by or under the supervision of a licensed veterinarian.

25.25 (Reserved for future use.)

25.26 (Reserved for future use.)

25.27 (Reserved for future use.)

#### **25.28 PENALTY**

The penalty for the first violation of any section of this ordinance shall not be less than \$30.00 nor more than \$100.00. The penalty for each subsequent violation shall be not less than \$100.00 nor more than \$500.00. Each day of a continuing violation shall be considered a separate violation for purposes of assessment of penalties. Penalties shall also include applicable and taxable court costs and fees.

No individual may be prosecuted for harboring animals which create a nuisance until a verified complaint signed by at least one resident of the City is filed with the Police Department stating that a particular animal or animals is habitually barking, howling or yelping and disturbing the individual(s) signing the verified complaint and creating a nuisance to the neighborhood.

## CHAPTER 25 REVISIONS

11-19-09 A-273

01-20-92 A-305

05-14-97 A-409 Recreate section on wild and vicious animals

11-17-97 A-417 License fees referred to Schedule of Fees

09-26-09 A-664 Def. of “vicious animal” to include attacks on domesticated animals. 25.08(2)(b)

12-30-09 A-669 Prohibits sale of turtles of less than 4 inches. 25.24

10-24-15 A-781 Repeals 25.05 & 25.06 and recreates 25.05. Animals at large & exercise.