

CHAPTER 23

ANIMAL CONTROL AND REGULATION

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ANIMAL CONTROL AND REGULATION

Sec. 23.01 Purpose And Intent

The purpose of this Ordinance is to promote health, safety, and general welfare of animals and the people around them. Requiring dogs and animals be cared for in such a manner that they will not become a public nuisance, requiring animals be properly fed, sheltered and cared for, requiring the removal of animal defecation from public property and to ensure licensing and rabies vaccination of all dogs in the Village of Whiting.

Sec. 23.02 State Law Adopted

The provisions of Section 95.21 and Chapter 174, Wisconsin Statutes, exclusive of penalties, are adopted by reference and are made part of this Municipal Code, so far as applicable.

Sec. 23.03 Definitions

As used in this chapter, the terms used shall have the same meaning found in Chapter 174 of the Wisconsin Statutes, unless specified otherwise.

Sec. 23.04 Dog License

- 1) Requirement. The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license.
- 2) Tax. The minimum dog license tax shall be \$8.00 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$18.00 for an un-neutered male dog or un-spayed female dog. The presentation of a rabies certificate issued by a licensed veterinarian is necessary to receive a license.
- 3) License Year. The license year commences on January 1 and ends on the following December 31.
- 4) Late Fees. The Clerk-Treasurer shall assess and collect a late fee of \$5.00 from every 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. All late fees received or collected shall be paid into the General Fund as revenue of the Village.
- 5) Kennel License Option: Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this chapter, apply to the Clerk-Treasurer for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of \$50.00 for a kennel of 12 or fewer dogs and an additional \$5.00 for each dog in excess of 12. Upon payment of the required kennel license tax and upon presentation evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Late fees under (4) are applicable to this section. This does not exempt the owner of any kennel fees and inspection under the Commercial Animal Establishment section below or other lawful inspection programs with their associated fees.

Sec. 23.05 Rabies Control Program

- 1) Section 95.21 of the Wisconsin Statutes is incorporated as though it were restated herein in its entirety.
- 2) Failure of the owner to deliver an animal to a veterinarian or place of quarantine, as ordered, within 24 hours, shall be grounds for a judge to issue an order authorizing the officer or responsible agency to seize said animal and make such delivery as intended at the owner's expense.

Sec. 23.06 Mistreating Animals

No person may treat any animal, whether belonging to him or another, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research pursuant to section 174.13 of the Wisconsin Statutes or normal and accepted veterinary practices.

Sec. 23.07 Taking Animals Without Owner's Consent

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

Sec. 23.08 Use Of Poisons And Controlled Substances

No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in section 951.06 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 purpose of harming 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 controlled substance in bona fide experiments carried on for scientific research in accepted veterinary practices.

Sec. 23.09 Providing Food And Water

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

Sec. 23.10 Shelter

- 1) No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.
- 2) 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.
- 3) 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.
- 4) Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the good health and well being of the animal
- 5) Dogs. If a dog is tied or confined unattended outdoors, a moisture-proof and wind-proof shelter of suitable size to accommodate the dog shall be provided.
- 6) Space requirements. 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. Enclosures 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.
- 7) 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 and odors.

Sec. 23.11 Abandonment

- 1) No person may abandon any animal.
- 2) Any law enforcement or humane officer 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 another 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 other person, having possession of the animal shall have a lien thereon for its care, keeping, and medical attention and the expense of notice.
- 3) If the owner or custodian is unknown and cannot with reasonable effort be ascertained or does not within five days after notice redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.

Sec. 23.12 Animals Running At Large

- 1) No person owning any animal or fowl shall allow the same to run at large within the Village.
- 2) The owner or keeper shall be liable for all damages done by such animal while so at large, even if the animal escapes without the fault of such owner or keeper; and the construction of any fence shall not relieve such owner to keeper from liability.
- 3) This section shall not apply to animals running at large on the private property of the owner or keeper, or running within the confines of any park established by the Village specifically for the purpose of allowing the recreation of such animals.

Sec. 23.13 Impoundment

- 1) Animals running at large may be taken by any law enforcement or humane officer, impounded in a temporary or permanent animal shelter, and confined in a humane manner.
- 2) An owner reclaiming an impounded animal shall:
 - (a) Pay the accrued impoundment fee, veterinary fees and any fees associated with the impoundment of the animal.
 - (b) Provide his or her name or address.
 - (c) Present evidence that the animal, if applicable, is licensed and if applicable, is vaccinated against rabies or provides a receipt from a licensed veterinarian for prepayment of a rabies inoculation.

Sec. 23.14 Commercial Animal Establishments

- 1) License Required. Any person who keeps or operates a commercial animal establishment shall apply to the Village for a license for the keeping or operating such commercial establishment.
- 2) Care Required. Each holder shall take reasonable care to release for sale, trade or adoption only animal, which are free from disease, injuries, or abnormalities. A Humane Officer may request an examination by a veterinarian. The following shall deem an animal unfit for sale or release:
 - (a) Obvious signs of infectious disease such as distemper, hepatitis, leptospirosis, rabies, or other similar diseases.
 - (b) Obvious signs of nutritional deficiencies, which may include rickets, emaciation, etc.
 - (c) Obvious signs of severe parasitism – extreme enough to be influencing general health.
 - (d) Obvious fractures or congenital abnormalities affecting general health of animal.
- 3) Standards. Additional provisions of this Municipal Code notwithstanding, all commercial animal establishments shall comply with the following standards:
 - (a) All animals, birds, or fish shall be displayed in a healthy condition, or if ill removed from display, and shall be given appropriate treatment immediately.
 - (b) All animals shall be quartered and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
 - (c) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.
 - (d) Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance.
 - (e) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn, and stretch out to its full length.
 - (f) The floor and walls of any room in which animals are kept shall be covered with impervious, smooth, cleanable surface. The floors and walls shall be cleaned as often as necessary to prevent odor nuisance.
 - (g) The premises shall be kept free of insect and rodent infestations. Food supplies shall be restored in rodent-proof containers.
 - (h) Water. There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over and be removable for cleaning.

Sec. 23.15 Trapping Restricted

- 1) Trapping of Animals.
 - (a) Unless a permit is secured from the Village Board, in the interest of public health and safety, it shall be unlawful for any person, in or on land within the Village of Whiting to set, place or tend any trap for the

purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps, which capture and hold an animal in an alive and unharmed condition.

- (b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- 2) All such traps set, placed, or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- 3) This Section shall not apply to trapping within the confines of buildings or homes.
- 4) Nothing in this Section shall prohibit or hinder the Village of Whiting or its employees or agents from performing their official duties.

Sec. 23.16 Keeping Of Bees

- 1) Permit Required. No person, firm, or corporation shall keep bees within the corporate limits of the Village of Whiting without first obtaining a permit therefore from the Village Clerk-Treasurer. There shall be no charge for such permit.
- 2) It shall be unlawful to keep more than three swarm bees within the Village limits.
- 3) The hives of all bees kept within the Village limits shall be located not less than one hundred fifty feet from any public street or road or from any residence other than that situated upon the premises where the bees are kept.

Sec. 23.17 Farm Animals

The keeping or raising of farm animals within the Village is prohibited, with the exception that a maximum of 6 chickens are allowed. Roosters are not allowed.

- (1) **A person who keeps or houses chickens on his or her property shall comply with all of the following requirements:**
 - a. **Keep no more than 6 chickens.**
 - b. **The principal use of the person's property is for a single-family dwelling or two-family dwelling.**
 - c. **No person shall keep any rooster.**
 - d. **No person shall slaughter any chickens.**
 - e. **The chickens shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.**
 - f. **A person shall not keep chickens in any location on the property other than in the backyard. For purposes of this section, "backyard" means that portion of a lot enclosed by the property's rear lot line and the side lot lines to the points where the side lot lines intersect with an imaginary line established by the rear of the single-family or two-family structure and extending to the side lot lines.**
 - g. **No covered enclosure or fenced enclosure shall be located closer than 10 feet to any property line of an adjacent property.**
 - h. **All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure. A covered enclosure or fenced enclosure shall not be located closer than 40 feet to any residential structure on an adjacent property provided, however, this requirement can be waived as follows:**
 - 1. **If the principal use of applicant's property is for a single-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners that there is no objection to the issuance of the permit.**
 - 2. **If the principal use of the applicant's property is for a two-family dwelling, to obtain such a waiver the applicant shall present at the time of applying for a permit the written statements of all adjacent landowners and of the occupants of the other dwelling stating that there is no objection to the issuance of the permit.**
 - i. **For purposes of this section, adjacent property means all parcels of property that the applicant's property comes into contact with at 1 or more points, except for parcels that are legally adjacent to but are in fact separated from the applicant's property by a public or private street.**

- j. All enclosures for the keeping of chickens shall be so constructed or repaired as to prevent rats, mice, or other rodents from being harbored underneath, within, or within the walls of the enclosure.**
- k. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice, or other rodents shall be protected so as to prevent rats, mice, or other rodents from gaining access to or coming into contact with them.**
- l. If the above requirements are not complied with, the Village may revoke any permit granted under this section and/or initiate prosecution for a civil infraction violation.**

Sec. 23.18 Animal Control Agency

The Village may, if it deems advisable, contract with or enter into an agreement with such person, person, organization, or corporation to provide for the operation of a county animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals, and for assisting in the administration of rabies vaccination programs.

Sec. 23.19 Enforcement

- 1) The Portage County Sheriff’s Department personnel and other persons authorized by the Portage County Sheriff’s Department, to include humane officers appointed by the Sheriff, are authorized to catch and impound animals at large, with such authorization to include the pursuit of the animals upon non-animal owner private property.
- 2) Under the authority of Chapter 173 of Wisconsin Statutes, the Sheriff may appoint persons as humane officers who shall have the powers designated by that Chapter. Such humane officers shall collaterally be empowered by the Village to enforce this chapter of the Municipal Code.
- 3) The Sheriff, humane officer, or Village Building Inspector, or their designees, shall be authorized to issue abatement orders issued under Section 173.11 of the Wisconsin statutes.
- 4) Except where explicitly specified, nothing in this chapter shall be construed to limit the authority of state, county, or Village officers from lawfully executing their duties related to animal control.
- 5) It shall be a violation of this ordinance to interfere with any law enforcement officer, humane officer, building inspector, or health officer, or their designees, in the performance of their duties under this Municipal Code.

Sec. 23.20 Penalties

- 1) Any person violating the provisions of this chapter, shall be punished a forfeiture of not less than \$10.00 and not more than \$1000.00, together with all legally applicable court costs and fees.
- 2) If any violation be continuing, each day’s day violation shall be deemed a separate offense.
- 3) This section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this ordinance.