

## Chapter 107

### Animals

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{**HISTORY:** The animal control ordinance adopted April 13, 1981 and the Ordinance regulating the keeping of farm and wild animals adopted October 13, 1997 are hereby repealed and replaced with this amendment. }

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#### ARTICLE I Animal Control

##### § 107-1. PURPOSE AND INTENT

The purpose of this ordinance is to promote health, safety and general welfare of animals and the people around them. Requiring 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 Rosholt.

##### § 107-2. STATE LAW ADOPTED

The provisions of Chapters 95, 173, 174 and 951 of Wisconsin Statutes, exclusive of penalties, are adopted by reference and are made part of this Code, so far as applicable.

### **§ 107-3. CONSTRUCTION AND APPLICATION**

This chapter shall not be interpreted as covering any law regulating the trapping of animals, the use of live animals in dog trials or in training of hunting dogs, or the slaughter of animals by persons acting under state or federal law.

Any animal properly licensed by or approved by permit by the Village of Rosholt Board prior to passage of this ordinance amendment, shall be exempt from section 107-14 Limit on number of animals. The annual inspection and permit for such animal is still required and if such animal dies or is relocated, it shall not be replaced, in order to allow any non-conforming use or uses to expire over time.

### **§ 107-4. RABIES CONTROL and QUARANTINE**

Chapter 95.21 of Wisconsin Statutes and all requirements therein are incorporated as though it were restated in its entirety.

### **§ 107-5. HUMANE OFFICERS (ANIMAL CONTROL AGENCY)**

Chapter 173 of Wisconsin Statutes and all requirements therein are incorporated as though it were restated in its entirety.

- A. The Village Board of the Village of Rosholt may, if it deems advisable, contract with or enter into an agreement with such person, persons, 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 and licensing programs.
- B. Enforcement. The Village Board of the Village of Rosholt may, if it deems advisable, further authorize the animal control agency (humane officers) to assist in enforcing the provisions of this ordinance.
  - 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 power designated by that Chapter. The Sheriff may limit such authority of any or all designated Humane Officers at his or her discretion.
  - 3. The Sheriff or his designee shall be authorized to modify or withdraw abatement orders issued under Section 173.11 Wisconsin Statutes by appointed Humane Officers.

4. It shall be a violation of this ordinance to interfere with any law enforcement officer, humane officer or health officer in the performance of duties under this Code. "Law Enforcement Officer" has the meaning assigned under section 967.02(5) of the Wisconsin Statutes and includes a humane officer under section 173.03, but does not include a conservation warden appointed under section 23.10.

## § 107-6. CRIMES AGAINST ANIMALS

Chapter 951 of Wisconsin Statutes and all requirements therein are incorporated as though it were restated in its entirety.

## § 107-7. DOG LICENSING

Chapter 174 of Wisconsin Statutes and all requirements therein are incorporated as though it were restated in its entirety.

- A. "Licensing Authority": The licensing authority shall be the Village of Rosholt Clerk-Treasurer or its delegated collecting agent.
- B. License Required:
  1. When a dog is five (5) months of age or more on January 1<sup>st</sup> of any year, the dog's owner shall annually obtain a license and pay the dog license tax. All licenses expire on December 31<sup>st</sup> of each year. If the owner fails to obtain or renew a license prior to April 1<sup>st</sup> of each year, the owner shall be assessed a \$5.00 late fee and is subject to further enforcement by the Humane Officer.
  2. When a dog becomes five (5) months of age, the dog's owner is required to obtain a license and pay the dog license tax within thirty (30) days of such dog reaching five (5) months of age and shall annually obtain a license thereafter. All licenses expire on December 31<sup>st</sup> of each year. If the owner fails to obtain a license within thirty (30) days of the dog becoming five (5) months of age, the owner shall be assessed a \$5.00 late fee and is subject to further enforcement by the Humane Officer.
  3. When acquiring a licensable dog, the dog's owner is required to obtain a license and pay the dog license tax within thirty (30) days of acquiring such dog. If the owner fails to obtain a license within thirty days of acquiring such dog, the owner shall be assessed a \$5.00 late fee and is subject to further enforcement by the Human Officer.
  4. License Fee (Tax): The minimum dog license tax is established by the Portage County Board. The Village may, by a majority vote of the members present at

any regular meeting, raise the minimum dog license tax to cover the cost of animal control in the Village. All late fees received or collected shall be paid into the treasury as revenue of the Village. The fees established by the Village Board are listed in the Schedule of Fees.

5. Multiple Dog License Option: The multiple license is not to be used as a commercial license. It is intended for use by private individuals who are keeping dogs for hunting, breeding, trial, training or competition who plan to transfer tags from one animal to another with proper proof of vaccination. This option is not applicable in residential zones; it is only available for use in qualified agriculture districts. The fee established by the board is listed in the Schedule of Fees.
6. Proof of Rabies Vaccination: The presentation of a current rabies certificate issued by a licensed veterinarian is necessary to receive a license.

## **§ 107-8. ANIMALS RUNNING AT LARGE**

- A. It shall be unlawful to own, keep, or harbor an animal which runs at large within the limits of the Village.
- B. Under the provision of this section, any animal shall be considered as running at large when it is not on the premises of its owner, unless it is on a rope, chain, cord or leash which is not more than six (6) feet in length and which is of sufficient strength to control the actions of the animal. An animal shall also be deemed to be at large anytime it is not under restraint or control of a responsible person and obedient to that person's command.
- C. The owner or keeper shall be liable for all damages done by such animal while so at large, although he escapes without the fault of such owner or keeper; and the construction of any fence shall not relieve such owner or keeper from liability.
- D. Animals running at large may be taken by any law enforcement or humane officer and impounded in a temporary or permanent animal shelter and confined in a humane manner.

## **§ 107-9. EXERCISING ANIMALS**

- A. No person shall exercise or walk an animal unless it is on a rope, chain, cord or leash which is not more than six (6) feet in length and which is of sufficient strength to control the actions of the animal.
- B. No owner shall allow or permit the animal to defecate upon any public property, including sidewalks and streets, or on any property not owned by such person, without immediately removing feces.

- C. No person having in his possession or under his control, any animal, shall allow the same to threaten to attack individuals who are passing or present on public or private walkways or property unless restrained by a fence sufficient to contain the animal.

## **§ 107-10. DANGEROUS OR POTENTIALLY DANGEROUS DOGS**

The owner of any dangerous or potentially dangerous dog shall keep the same securely enclosed on the owner's premises away from the proximity of sidewalks, paths, alleys, or streets and shall keep it humanely muzzled when exercising it.

"Dangerous dog" means a dog that, according to the records of an animal control authority: (i) Has killed a human being; (ii) has inflicted injury on a human being that requires medical treatment; (iii) has killed a domestic animal without provocation; or (iv) has been previously determined to be a potentially dangerous dog by an animal control authority, the owner has received notice from an animal control authority or an animal control officer of such determination, and the dog inflicts an injury on a human being that does not require medical treatment, injures a domestic animal, or threatens the safety of humans or domestic animals.

"Potentially dangerous dog" means (a) any dog that when unprovoked (i) inflicts an injury on a human being that does not require medical treatment, (ii) injures a domestic animal, or (iii) chases or approaches a person upon streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack or (b) any specific dog with a known propensity, tendency, or disposition to attack when unprovoked, to cause injury, or to threaten the safety of humans or domestic animals.

## **§ 107-11. HOWLING ANIMALS**

No person shall own, keep, have in his possession or harbor any animal within the Village which by frequent or habitual howling, yelping or barking shall cause a serious disturbance or public nuisance to persons or to the neighborhood.

## **§ 107-12. INJURED ANIMALS**

The operator of any vehicle involved in an accident resulting in injury to or death of any domestic animal shall stop such vehicle at the scene of the accident and, if possible, remove the animal to the side of the roadway and notify the Portage County Sheriff or the Village's contracted animal control agency.

## **§ 107-13. COMMERCIAL ANIMAL ESTABLISHMENT**

Any person who keeps or operates a commercial animal establishment, in a qualified zoning district, shall apply to the Village Board for a permit for the keeping or operating of such commercial animal establishment and is subject to all required inspections. The fee for the animal establishment permit is listed in the schedule of fees.

## **ARTICLE II Keeping of Animals**

### **§ 107-14. LIMIT ON NUMBER OF ANIMALS**

This Section 107-14 shall not apply to any animal properly licensed by or approved by permit of the Village of Rosholt Board prior to passage of this ordinance amendment dated May 9, 2016. In order to maintain compliance with this section, if such animal, in excess of the number permitted under this section, dies or is relocated, it shall not be replaced unless there is compliance with all requirements of this ordinance.

**Number permitted per residential unit:** No more than four animals shall be kept at any residence within a residential zoning district within the Village of Rosholt, except that a litter or portion of a litter of pups or kittens may be kept for not more than eight weeks from birth.

**Number permitted per business owner:** No business owner or personnel shall own, harbor, feed or keep more than four animals at their place of business except a qualified permitted commercial animal establishment.

### **§ 107-15. KEEPING OF FARM ANIMALS & POULTRY**

The keeping of farm animals and poultry is prohibited within the Village of Rosholt, unless the parcel is within a qualified agricultural zoning district.

**A farm animal** is any warm-blooded animal normally raised on farms in the United States including but not limited to goats, sheep, pigs (including the potbellied pig), cows, ponies, horses, donkeys or any animal associated with a farming operation.

**Poultry** is any domestic fowl including but not limited to, any hen, rooster, duck, goose, pheasant, pigeon or dove.

### **§ 107-16. KEEPING OF BEES**

The keeping of bees is prohibited within the Village of Rosholt unless the parcel is within a qualified agricultural zoning district.

### **§ 107-17. KEEPING OF WILD ANIMALS**

The keeping of wild animals is prohibited within the Village of Rosholt.

**Wild animals** includes, but not limited to any monkey or other non-human primate, raccoon, skunk, fox, wolf, wolf-hybrid, leopard, panther, tiger, lion, lynx, poisonous snakes, poisonous reptiles, poisonous insects, or any other warm-blooded animal, which is normally found in the wild state.

## **§ 107-18. PUBLIC NUISANCE**

Any animal that runs at large, causes harm to the surrounding property, disturbs the peace and quiet of the neighborhood, causes offensive odors or constitutes a danger to public health shall be considered a public nuisance.

## **§ 107-19. LIABILITY**

The Village of Rosholt and/or its animal control agency or its designated agent shall not be liable to any person for the death, destruction, injury, or disease caused to any animal that has been impounded pursuant to this ordinance.

## **§ 107-20. VIOLATIONS AND PENALTY**

Any person, group of persons or business establishment who violates any provision of this chapter shall be subject to enforcement by the Portage County Sheriff or the Village's contracted animal control agency or other designated public official. A violator shall be subject to a penalty as provided in Section **§1-2** of this Municipal Code.

In addition to the penalty as provided, the Court shall have the power to order abatement of any illegal activity under this Section including the power to order destruction of the offending animal.

For purposes of enforcing this subsection, any Animal Control Officer or Portage County Sheriff/Deputy, may enter any premises for the purpose of inspection. Any person who violates any provision of this subsection shall be subject to enforcement by the Portage County Sheriff or the contracted animal control agency.

**Any person in violation of section 107-18, Public Nuisance, shall be issued written notification by the Village Board, its contracted animal control agency, or other designated public official, regarding the determination that a public nuisance exists on his or her premises. For purposes of the penalty for violation of this subsection, each day that such public nuisance continues, after written notification, shall constitute a separate violation of this subsection.**

Approved by Attorney Brian Formella of Anderson Law Firm.

Passed by a majority of the Village board on May 9, 2016.

Posted in lieu of Publication: \_\_\_\_\_

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Village President, Robert Kurszewski

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Village Trustee, Sandi Diederich

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Village Trustee, Travis Firkus

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Village Trustee, Craig Anderson

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Village Trustee, Richard Mansavage

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Witness: Theresa Hartvig, Village Clerk-  
Treasurer