

ORDINANCE #07-01

AN ORDINANCE AMENDING CHAPTERS 6, 8 and 9 OF THE MUNICIPAL CODE OF THE VILLAGE OF JACKSON.

THE VILLAGE BOARD OF THE VILLAGE OF JACKSON, WASHINGTON COUNTY, WISCONSIN, does ordain as follows:

SECTION I

Chapters 6.04, 8.06 and 9.09, as pertains to animals, dogs and cats, are repealed and recreated as follows:

8.06 ANIMAL CONTROL

A. ANIMALS NOT TO RUN AT LARGE. No animal shall be allowed to run at large. "At large" means an animal is off the premises of its owner and upon any public street or alley, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property. An animal shall not be deemed "at large" if the following provisions apply:

- (1) It is attached to a leash not more than 10 feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.
- (2) It is properly restrained within a motor vehicle.
- (3) It is a certified law enforcement dog engaged in official duties or training.

B. LICENSING OF DOGS AND CATS

- (1) The provisions of Chapter 174, Wisconsin Statutes, exclusive of any penalties, are adopted by reference and made a part of this Code so far as applicable.
- (2) It shall be unlawful for any person in the Village to own, harbor, or keep any cat or dog more than five (5) months of age that has not been licensed by the Village. License fees shall be set by Resolution. (#03-13)
- (3) It shall be unlawful for any person to own, harbor, or keep a dog in the Village, which is over five (5) months of age and does not have a current rabies vaccination as required by Section 95.21 (2) Wis. Stats. or to own, harbor or keep a cat in the Village, which is over five (5) months of age and does not have a current rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in Section 95.21 (2)(f), Wis. Stats. (#03-13)

(4) No more than two dogs and two cats may be licensed for any one residence. Exceptions may be requested by application to the Plan Commission and Village Board for a conditional use permit or PUD amendment.

C. OFFENSES AGAINST PEACE, ORDER OR SAFETY

(1) **General Prohibitions.** It shall be unlawful for any person to own, harbor or keep any dog which:

- (a) Habitually pursues vehicles upon any street, alley or highway.
- (b) Molests passersby or assaults or attacks any person without provocation.
- (c) Is at large.
- (d) Habitually barks or howls to the annoyance of any person or persons.
- (e) Kills, wounds or worries any domestic animal.
- (f) Goes outdoors without valid license and rabies tags attached to the collar unless the dog is securely confined in a fenced area.

(2) **Untagged animals.** Police officers are authorized to capture and restrain any dog or cat running at large and any untagged dog, and to transfer the animal to the custody of the Washington County Humane Society. This does not preclude the immediate killing of a dog for the protection of other animals and persons, as authorized by s. 174.01.

(3) **Duty to Report Animal Bite.** Every person, including the owner or person harboring or keeping a dog or other animal, who knows that such animal has bitten any person shall immediately report such fact to the police department.

(4) **Quarantine or Sacrifice of Animals Suspected of Biting a Person or Being Infected with Rabies.**

- (a) A police officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill an animal only as a last resort or if the owner agrees. The Officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If a quarantine is ordered, the owner of the dog or cat shall be subject to the provisions of s. 95.21
- (b) A police officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (c) A police officer may order killed or may kill a dog or cat if the owner of the dog

or cat violates the quarantine provisions of s. 95.21(5)(a),(b), or (c).

(5) **Setting Animals at Large Prohibited.** No person may open any door or gate of a private premises for the purpose of setting a dog or other animal at large, except the owner of such animal.

(6) **Removal of Waste.** The owner or person walking a dog or cat shall remove and dispose of any deposited excrement immediately after such dog or cat deposits it on the property of another or on public property.

D. KEEPING OF VICIOUS DOGS REGULATED.

(1) Vicious Dog Defined

(a) Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.

(b) Any dog which attacks a human being or another domestic animal without provocation.

(2) Requirements and Prohibitions.

(a) **Leash and Muzzle.** No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals.

(b) **Confinement.** All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in par. (a) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all applicable municipal zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(c) **Confinement Indoors.** No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its volition. No vicious dog may be kept in a house or structure when the windows are

open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(d) **Prohibited in Multiple Dwellings.** No vicious dog may be kept within any portion of any multiple dwelling.

(e) **Signs.** All owners, keepers or harborers of vicious dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(f) **Insurance.** All owners, keepers or harborers of vicious dogs shall provide proof to the Chief of Police of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Chief of Police. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer.

(3) **Vicious Dog Determination.** The Chief of Police or designee shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in sub. (1). In the event the Chief of Police makes a determination that a dog is "vicious," he shall so inform the owner, keeper or harborer of such dog and provide such person with a copy of this section.

(4) **Appeal of Vicious Dog Determination.** Any person aggrieved by the determination of the Chief of Police, as provided in sub. (3) above, may appeal such determination with the Public Safety Committee.

(5) **Disposition of Vicious Dogs.** Any law enforcement officer of the Village may take custody of an animal if the officer has reasonable grounds to believe the animal is one of the type set forth in sec. 173.13(1)(a) 1. thru 9. Wis. Stats. Subject to review by the circuit court, the animal, if taken into custody because it is hopelessly injured, an imminent threat to public health or safety, or the health or safety of itself or its custodians, shall be turned over to the appropriate agency for euthanization. This does not preclude the immediate killing of a dog for the protection of other animals and persons, as authorized by sec. 174.01 Wis. Stats.

(6) **Keeping Of Wolf-Dog Hybrids Prohibited.** No wolf-dog hybrid, defined as any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote, jackal or dingo or resulting from the mating of any wolf-dog hybrid and another wolf-dog hybrid or a domesticated dog, may be kept within the village.

E. ANIMAL WELFARE

(1) Keeping Outdoors

- (a) The quarters outside of the dwelling unit in which the dogs and cats are kept shall be maintained in a clean condition and in a good state of repair and provide adequate protection from the weather.
- (b) Dog or cat pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein.
- (c) Food supplies outside of the dwelling unit shall be stored in a rodent-proof container, and food and water containers shall be kept clean.
- (d) Litter and or bedding material, outside of the dwelling unit, shall be changed as often as necessary to prevent an odor nuisance.
- (e) Feces shall be removed from yards, pens, and enclosures once every 48 hours to prevent health problems and shall be stored in a tightly covered metal container until final disposal.
- (f) Yards, pens, premises, and animals shall be kept free of insect infestations.
- (g) No odor nuisances shall be permitted.
- (h) Motor vehicles or garages shall not be used as proper shelter under the provisions of the section, except that during winter months a doghouse may be placed inside a garage for additional shelter.

(2) Cruelty

- (a) No person shall directly or indirectly cruelly beat, frighten, overburden, neglect or abuse any animal or bird, or use any device or chemical substance by which pain, suffering or death may result, whether the animal or bird belongs to the person or another. This section does not apply when reasonable force is used to drive off vicious or trespassing animals; treatment or euthanasia performed by a veterinarian; the use of Mace® and similar products for the protection of persons or other animals; or training devices when used as directed by the manufacturer.
- (b) The owner of any animal shall provide or obtain treatment should the animal be injured or ill.
- (c) No person shall abandon or transport in a cruel manner any animal or bird

(3) Food and Water

(a) No person owning or having custody of any animal or bird may neglect or fail to provide it with necessary nourishing food at least once daily, and provide a constant supply of clean water to sustain the animal or bird in good health.

(4) **Shelter**

(a) No person may fail to provide any animal or bird in his or her charge with shelter from the inclement weather to insure the protection and comfort of the animal or bird

(b) When sunlight is likely to cause overheating or discomfort to any animal or bird, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun, but still allow air to pass to keep the animal cool.

(c) Dogs and cats kept outdoors for more than one (1) hour at a time shall be provided with moisture proof and wind proof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position, and to keep the animal clean, dry and comfortable. Whenever the outdoor temperature is at or below 40 degrees Fahrenheit, clean dry bedding material shall be provided in such shelters for insulation, and to retain the body heat of the animal.

(d) Any area where an animal is housed, or allowed to remain shall be kept clean of feces, animal waste and other substances in order to keep the animal healthy and comfortable.

(5) **Leashes**

(a) Chains, ropes or leashes shall be placed or attached in a manner that they not be entangled with another animal or object and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter.

(b) A leash shall be located so as not to allow the animal to trespass on public or private property, or in such manner as to cause harm or danger to persons or other animals. A leash shall be located so as not to allow the animal to jump over an obstacle where the leash can become entangled and the animal be harmed in any manner

(6) **Enforcement.** The police department is authorized to remove animals from premises for violation of any part of this section. Animals removed because of such action shall be turned over to the Washington County Humane Society.

SECTION II. This Ordinance shall take effect and be in full force from and after its passage and posting.

Introduced by Trustee _____

Passed and Approved _____ Vote: ____ Aye ____
Nay

Village President

Attest: Village Clerk

Proof of Posting: