

Chapter 4 – Animals

Chapter 4 - ANIMALS

State Law reference— Duties of department of agriculture, trade, and consumer protection to promulgate rules and regulations regarding animal health and control of domestic animals, Wis. Stats. § 93.07; animal health, Wis. Stats. § 95.001 et seq.; captive wildlife, Wis. Stats. § 169.01 et seq.; strays and lost chattel, Wis. Stats. § 170.01 et seq.; animals distrained or doing damage; animals not to run at large, Wis. Stats. § 172.01; animals doing damage, Wis. Stats. § 172.51 et seq.; animals generally and humane officers, Wis. Stats. § 173.01 et seq.; dogs, Wis. Stats. § 174.001; crimes against animals, Wis. Stats. § 951.01 et seq.; providing proper food and drink to confined animals, Wis. Stats. § 951.13; abandoning animals, Wis. Stats. § 951.15; earthen manure storage facilities, Wis. Stats. § 92.16.

ARTICLE I. - IN GENERAL

Sec. 4-1. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Allow, with regard to running at large, refers to an animal owner who through negligence has allowed domesticated animals under his control to recurrently run at large.

Animal means and includes every living warm-blooded creature except a human being, every reptile, and every amphibian.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

Domesticated animals means livestock type animals that are kept for commercial or recreational purposes.

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.

Owner includes a person who owns, harbors, keeps or controls an animal.

Run at large, in regard to animals, means to be on public property in an unauthorized place; on a public road when not under the control of the owner, or to be on private property without the property owner's consent.

Veterinarian means a practitioner of veterinarian medicine who is duly licensed by the examining board.

Secs. 4-2—4-20. - Reserved.

ARTICLE II. - ANIMAL ABUSE

DIVISION 1. - GENERALLY

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Sec. 4-21. - Abatement review panel.

The animal abuse abatement review panel shall consist of the sheriff's department chief deputy and the county nurse. Should any of those officials have a conflict of interest, have participated in the decision to issue the order or not be available for the hearing, the county board chairperson shall appoint another official, or officials, of the county to serve in their place for that hearing only.

(Compiled Ords. of 2009, § 6.12.040(E))

Sec. 4-22. - Crimes against animals.

The provisions of Wis. Stats. §§ 951.01 through 951.18, relating to crimes against animals, punishable by forfeiture are adopted by reference as though fully set forth herein, including the forfeiture amounts as provided in Wis. Stats. § 951.18.

(Compiled Ords. of 2009, § 6.04.010)

Sec. 4-23. - Mistreatment of animals prohibited.

No person may treat his or any other animal in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinarian practices. Any person violating this section is subject to a forfeiture not to exceed \$500.00.

(Compiled Ords. of 2009, § 6.12.010)

Secs. 4-24—4-49. - Reserved.

DIVISION 2. - ENFORCEMENT PROCEDURE

Sec. 4-50. - Animal abuse abatement orders.

A county law enforcement officer may issue an animal abuse abatement order in accordance with Wis. Stats. § 173.11 if he has reason to believe that a violation of statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal.

(Compiled Ords. of 2009, § 6.12.040(A))

Sec. 4-51. - Hearing.

Any person named in an abatement order issued under this article, may, within the ten-day period following service of the order, request a hearing before the animal abuse abatement review panel. This hearing shall be held within ten days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature. Within ten days after hearing, the panel shall affirm the order, modify and affirm the order or withdraw the order.

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(Compiled Ords. of 2009, § 6.12.040(B), (C))

Sec. 4-52. - Appeal.

Any person adversely affected by a decision under this section may seek judicial review by commencing an action in circuit court within 30 days of the day that the decision is issued.

(Compiled Ords. of 2009, § 6.12.040(D))

Sec. 4-53. - Additional penalty for repeat violations.

Any person violating any provision of Wis. Stats. §§ 951.02 through 951.15, within three years after the issuance of an abatement order, is subject to a forfeiture not to exceed \$1,000.00.

(Compiled Ords. of 2009, § 6.12.040)

Secs. 4-54—4-79. - Reserved.

ARTICLE III. - ANIMAL CARE AND CONTROL

DIVISION 1. - GENERALLY

Sec. 4-80. - Shining prohibited; exceptions.

- (a) No person may use or possess with intent to use a light for shining wild animals between 10:00 p.m. and 7:00 a.m. from September 15 to December 31, and from midnight to 7:00 a.m. from January 1 to September 14.
- (b) This section shall not apply:
 - (1) To a peace officer on official business, an employee of the department of natural resources on official business, or a person authorized by the department of natural resources to conduct a game census or to observe bear for educational purposes.
 - (2) To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.
 - (3) To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.
 - (4) If rules promulgated by the department of natural resources specifically permit a person to use or possess a light for shining wild animals during these times.
- (c) A person who violates this article shall forfeit not more than \$1,000.00.

(Compiled Ords. of 2009, §§ 6.16.010—6.16.030)

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Sec. 4-81. - Domesticated animals at large.

It shall be unlawful for any animal owner to allow his domesticated animal to run at large upon public property, unless said public property expressly authorizes the same, or upon private property of others, unless said private property owners authorize the same by expressed or implied consent. Any person violating this section shall be subject to a forfeiture of not less than \$50.00 nor more than \$200.00.

(Compiled Ords. of 2009, § 6.18.020)

Sec. 4-82. - Damaging or destroying property.

It shall be unlawful for any animal owner to allow any domesticated animal to run at large and damage, harm, or destroy the property of another person. Any person violating this section shall be subject to a forfeiture of not less than \$50.00 nor more than \$200.00.

(Compiled Ords. of 2009, § 6.18.030)

Sec. 4-83. - Proper food and drink for confined animals.

- (a) Generally. No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section.
 - (1) Food. The food shall be sufficient to maintain all animals in good health.
 - (2) Water. If potable 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.
- (b) Violation. Any person violating this section is subject to forfeiture not to exceed \$500.00.

(Compiled Ords. of 2009, § 6.12.020)

Secs. 4-84—4-109. - Reserved.

DIVISION 2. - SHELTER

Subdivision I. - In General

Sec. 4-110. - Proper shelter required.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this division. In the case of farm animals, nothing in this division shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

(Compiled Ords. of 2009, § 6.12.030(A))

Sec. 4-111. - Penalty.

Whoever violates this division is subject to a forfeiture not to exceed \$500.00.

(Compiled Ords. of 2009, § 6.12.030(A)(4)(C))

Secs. 4-112—4-135. - Reserved.

Subdivision II. - Standards

Sec. 4-136. - Indoor shelter.

Minimum indoor standards of shelter shall include:

- (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
- (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(Compiled Ords. of 2009, § 6.12.030(A)(1))

Sec. 4-137. - Outdoor shelter.

Minimum outdoor standards of shelter shall include:

- (1) Shelter from sun light. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this subsection, "caged" does not include farm fencing used to confine farm animals.
- (2) Shelter from inclement weather 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.
- (3) Shelter from inclement weather for dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(Compiled Ords. of 2009, § 6.12.030(A)(2))

Sec. 4-138. - Minimum space.

Minimum space and structural strength requirements for both indoor and outdoor enclosures shall include:

- (1) 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.

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- (2) 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.

(Compiled Ords. of 2009, § 6.12.030(A)(3))

Sec. 4-139. - Sanitation.

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.

(Compiled Ords. of 2009, § 6.12.030(A)(4)(A), (B))

Secs. 4-140—4-161. - Reserved.

ARTICLE IV. - DOGS

Sec. 4-162. - Running at large.

A dog is 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.

(Compiled Ords. of 2009, § 6.08.010)

Sec. 4-163. - Untagged dogs.

A dog is considered to be untagged if a valid license tag 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 area.

(Compiled Ords. of 2009, § 6.08.020)

Sec. 4-164. - Violations of article; penalty.

If the owner of a dog negligently or otherwise permits a dog to run at large or be untagged, the owner shall forfeit not less than \$25.00 nor more than \$100.00 for the first offense, and not less than \$50.00 nor more than \$200.00 for subsequent offenses.

(Compiled Ords. of 2009, § 6.08.030)

Sec. 4-165. - Penalties for damage caused by dogs.

- (a) Without notice. The owner of a dog shall forfeit not less than \$50.00 nor more than \$100.00 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nest or eggs of game birds.

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- (b) After notice. The owner of a dog shall forfeit not less than \$100.00 nor more than \$500.00 if the dog injures or causes injury to a person, domestic animal, property, deer, game birds, or the nests of eggs of game birds, if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds, of the nests or eggs of game birds.

(Compiled Ords. of 2009, § 6.08.040)

Secs. 4-166—4-183. - Reserved.

ARTICLE V. - RABIES CONTROL

Sec. 4-184. - Rabies vaccination required for dogs.

Except for owners of dogs kept for educational or scientific purposes, the owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months in age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

(Compiled Ords. of 2009, § 6.10.020)

Sec. 4-185. - Penalties.

An owner who fails to have a dog vaccinated against rabies as required herein may be required to forfeit not less than \$50.00 nor more than \$100.00.

(Compiled Ords. of 2009, § 6.10.030)