

## Chapter 1

---

# Licensing of Dogs and Regulation of Animals

- 7-1-1** Dog Licenses Required; Definitions
- 7-1-2** Rabies Vaccination Required for License
- 7-1-3** Issuance of Dog and Kennel Licenses
- 7-1-4** Late Fees
- 7-1-5** Rabies Quarantine
- 7-1-6** Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals
- 7-1-7** Impoundment of Animals
- 7-1-8** Report of Animal Bites and Scratches
- 7-1-9** Pit Bulls
- 7-1-10** Animal Feces
- 7-1-11** Injury to Property by Animals
- 7-1-12** Animals in Parks and Cemeteries
- 7-1-13** Prohibited and Protected Animals, Fowl, Reptiles and Insects
- 7-1-14** Sale of Rabbits, Chicks or Artificially Colored Animals
- 7-1-15** Providing Proper Food and Drink to Confined Animals
- 7-1-16** Providing Proper Shelter
- 7-1-17** Neglected or Abandoned Animals
- 7-1-18** Cruelty to Animals and Birds Prohibited
- 7-1-19** Limitation on Number of Dogs and Cats
- 7-1-20** Trapping of Animals
- 7-1-21** Vietnamese Potbellied Pigs
- 7-1-22** Pigeon Keeping
- 7-1-23** Vehicle Accidents
- 7-1-24** Procedure for Declaring an Animal a Dangerous Animal
- 7-1-25** Harboring Dangerous Animals; No Harboring of Prohibited Dangerous Animals
- 7-1-26** Certain Animals Not to Be Declared Dangerous or Prohibited Dangerous
- 7-1-27** Prohibited Dangerous Animals — Declaration, Destruction and Enforcement
- 7-1-28** Penalty Provisions

## **Sec. 7-1-1 Dog License Required; Definitions.**

- (a) **License Required.** It shall be unlawful for any person in the Village of Combined Locks to own, harbor or keep any dog for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) **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:
- (1) **Animal.** To be off the property of the owner or caretaker and not under restraint. A dog or cat within an automobile or in an automobile of any other persons with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's property.
  - (2) **Bodily Harm.** Bodily injury including, but not limited to, a bruise, abrasion, scratch, bite mark, puncture, laceration, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.
  - (3) **Caretaker.** Any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.
  - (4) **Confined.** Restriction of an animal at all times by the owner to an escape-proof building.
  - (5) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death. Additionally, it shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's property.
  - (6) **Dangerous Animal.** Means any of the following:
    - a. Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
    - b. Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without the permission of the owner or person in lawful control of the property.
    - c. Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic animals.
  - (7) **Domestic Animal.** Any animal which is normally considered tame or domesticated and suitable for home life with humans.
  - (8) **Dwelling Unit.** A building or portion thereof designed to be used exclusively for residential purposes.
  - (9) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and raised for food or fiber.
  - (10) **Kennel.** Any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.
  - (11) **Law Enforcement Officer (inc. Humane Officer and Conservation Warden).** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer

- under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
- (12) **Licensing Authority.** The political body authorized to issue animal licenses.
- (13) **Molest.** Excessive barking, running up to or charging, threatening, jumping on or otherwise harassing people or other domestic animals or the passing public that are in the public right-of-way or on public property, or on their own property or property of anyone other than the owner or custodian of the animal.
- (14) **Owner.** Any individual that has the right of property in an animal or who keeps, harbors, cares for, acts as its caretaker or who knowingly permits an animal to remain on or about his/her premises/property for five (5) or more consecutive days.
- (15) **Pet.** Any retail establishment in a commercially zoned building whose business includes the sale of live animals.
- (16) **Prohibited Dangerous Animal.** Means any of the following:
- Any animal that, while off the owner's or custodian's property, has killed a domesticated animal without provocation.
  - Any animal that, without provocation, inflicts serious bodily harm on a person on public or private property.
  - Any animal brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction.
  - Any dog that is subject to being destroyed under Sec. 174.02(3), Wis. Stats.
  - Any dog trained, owned or harbored for the purpose of dog fighting.
- (17) **Public Nuisance Animal.** Means any animal which:
- Habitually pursues any vehicle or passerby upon any public street, alley or highway in the Village of Combined Locks.
  - Molests people, domestic animals, or passing vehicles.
  - Attacks persons or domestic animals without provocation when such persons or domestic animals are peacefully conducting themselves in a place where they are lawfully entitled to be.
  - Is at large on school grounds, parks or cemeteries.
  - Is repeatedly at large.
  - Damages private or public property.
  - Barks, whines or howls in an excessive, continuous or untimely fashion.
  - Does not have the current vaccination as required by Section 7-1-2.
  - Is the subject of Sec. 7-1-5 below.
  - Is the subject of repeated violations under this Chapter.
- (18) **Restraint.** Means that the animal is secured by a leash or lead, and under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner or caretaker.
- (19) **Render Sterile.** Refers to a surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring. The term includes neutering and spaying.

- (20) **Serious Bodily Harm.** Bodily harm which causes death, creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury requiring medical care or treatment.
- (21) **Unrestrained Animal.** Any animal not subject to restraint by the owner or lawful custodian.
- (22) **Veterinary Hospital or Clinic.** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.
- (23) **Wild Animal.** Any nonhuman primate, raccoon, skunk, fox, wolf, or any animal which is in part of the *canis lupis* species, any animal raised for fur-bearing purposes or any other animal or hybrid thereof which can normally be found in the wild state, or poisonous reptiles, crocodilians and any other snake or reptile exceeding three (3) feet in length.

*State Law Reference:* Sections 174.05 through 174.10, Wis. Stats.

## **Sec. 7-1-2 Rabies Vaccination Required for License.**

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Combined Locks after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.

- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

## **Sec. 7-1-3 Issuance of Dog and Kennel Licenses.**

- (a) **Dog Licenses.**
  - (1) It shall be unlawful for any person in the Village of Combined Locks to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
  - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
  - (3) The minimum State license tax under this Section shall be charged in accordance with Sec. 174.05, Wis. Stats., as amended. An additional Village tax pursuant to Sec. 174.05, Wis. Stats., shall be paid on each dog license issued and the amount of Village tax shall not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refund which may be received under Sec. 174.09(2), Wis. Stats. The license year commences on January 1 and ends on the following December 31.
  - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Administrator shall complete and issue to the owner a license for

such dog containing all information required by state law. The Village Administrator shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.

- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
  - (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
  - (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Administrator upon application therefor.
- (b) **Kennel Licenses.**
- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of Thirty-six and 50/100 Dollars (\$36.50) for a kennel of twelve (12) or fewer dogs and an additional Four Dollars (\$4.00) for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Administrator shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel. Kennels may only be located in residential areas following a public hearing and approval by the Village Board; the Board may attach conditions to such approval as a conditional use under the Village's Zoning Code.
  - (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

- (3) The term "kennel" means any establishment wherein or whereupon more than three (3) dogs are kept.
- (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs in said kennel or who neglects or abandons said dogs. Designated officials shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his own initiative. Expressly incorporated by reference in this Section as minimum standards for kennel keepers or operator are the relevant provisions of Chapter 948 of the Wisconsin Statutes.
- (5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to Village ordinances.

*State Law Reference:* Sec. 174.053, Wis. Stats.

#### **Sec. 7-1-4 Late Fees.**

The Village Administrator shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (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. Said late fee shall be charged in addition to the required license fee.

#### **Sec. 7-1-5 Rabies Quarantine.**

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the Village of Combined Locks shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance animal and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk shall promptly post in at least three (3) public places in the Village of Combined Locks notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat From Village Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Village quarantine provisions of

Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

- (c) **Required Confinement of Vaccinated Animals.** If any dog or cat for which the owner holds a current rabies certificate is involved in a bite or scratch incident, the owner shall quarantine and confine the animal under the supervision of a licensed veterinarian for at least ten (10) days from the date of the incident. The animal shall not be allowed to come in contact with other animals or people during the period of confinement. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the tenth day, and on one (1) intervening day.
- (d) **Required Confinement of Unvaccinated Animals.** Any dog or cat involved in a bite or scratch incident that has not been vaccinated or has not been revaccinated within the prescribed times must be confined at a veterinary hospital or a place designated by the Police Department.
- (e) **Responsibility for Expenses.** The owner of any dog or cat involved in a bite or scratch incident is responsible for any expenses incurred.
- (f) **Statutes Adopted; Compliance With Statutory Requirements.** The provisions of Section 95.21 and Chapters 173 and 174, Wis. Stats., exclusive of any penalties, are adopted by reference and are made part of this Chapter, so far as applicable.

*State Law Reference:* Sec. 95.21 and Chapters 173 and 174, Wis. Stats.

## **Sec. 7-1-6      Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.**

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Combined Locks to own, harbor or keep any dog, cat, fowl or other animal which has been determined to be a public nuisance as defined in Section 7-1-1 or allow the animal to run at large in the Village.
- (b) **Required Confinement or Restraint.** The owner or custodian of any animal shall confine, restrain or maintain control over the animal so that the unprovoked animal does not run at large, attack, molest, or cause bodily harm to any person or domesticated animal.
- (c) **Responsibility of Owners and Custodians.** All owners and custodians shall exercise proper care and control of their animals under their ownership, possession, or custody to prevent them from becoming a public nuisance animal.
- (d) **Special Female Animal Precautions.** Every female dog or cat in heat shall be confined in a building or secure enclosure, or otherwise restrained, in such a manner that such female dog or cat cannot come into contact with another unneutered male of the same species, except for planned breeding.
- (e) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

*State Law Reference:* Section 174.02, Wis. Stats.



## **Sec. 7-1-7 Impoundment of Animals.**

- (a) **Impoundment of Unrestrained and Nuisance Animals.**
- (1) Unrestrained and nuisance animals shall be taken by authorized employees of the Police Department and impounded in a temporary or permanent animal shelter and there confined in a humane manner.
  - (2) When an animal has become a public nuisance animal and its owner or custodian cannot be contacted at the time of the complaint, the animal may be impounded by authorized employees of the Police Department after an attempt to contact the owner or custodian is unsuccessful. After impoundment, reasonable attempts shall be made to contact the owner or custodian.
- (b) **Payment of Impoundment Fees.** An owner or custodian reclaiming an impounded animal shall pay the accrued impoundment fee and comply with provisions of Section 7-1-3(a).
- (c) **Unclaimed Animals.** Any animal not reclaimed by its owner or custodian within seven (7) days becomes the property of the local government authority or humane society and shall be placed for adoption in a suitable home or if a prohibited dangerous animal, humanely euthanized in lieu of placement for adoption.

## **Sec. 7-1-8 Report of Animal Bites and Scratches.**

All incidents occurring in the Village of Combined Locks in which any animal bites or scratches a person or another animal, or is suspected of such, immediately be reported to the Police Department by any person having knowledge of such incident. If the bite or scratch is caused by an animal for which there is no rabies vaccine or known quarantine, the animal, at the discretion of the Police Department, may be euthanized and analyzed for rabies with all expenses incurred being the responsibility of the owner.

## **Sec. 7-1-9 Pit Bulls.**

- (a) **Keeping of Pit Bulls Prohibited.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Combined Locks:
- (1) Any pit bull dog provided that pit bull dogs registered with the Village on the day this Section becomes effective may be kept within the Village subject to the standards and requirements set forth in Subsection (b) of this Section. "Pit bull dog" as that term is used in this Section is defined to mean:
    - a. The Staffordshire bull terrier breed of dog;
    - b. The American pit bull terrier breed of dog;

- c. The American Staffordshire terrier breed of dog;
  - d. Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds.
- (b) **Keeping of Registered Pit Bulls.** The provisions of Subsection (a) are not applicable to owners, keepers or harbors of pit bull dogs registered with the Village of Combined Locks keeping, owning or harboring of such dogs is however subject to the following conditions:
- (1) **Leash and Muzzle.** No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull 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. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
  - (2) **Confinement.** All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in Subsection (b)(1). All pens or kennels shall comply with all zoning and building regulations of the Village and shall be kept in a clean and sanitary condition.
  - (3) **Confinement Indoors.** No pit bull dog may be kept on a porch, patio or in any part of a hours or structure that would allow the dog to exit such building on its own volition.
  - (4) **Signs.** All owners, keepers or harborers of registered pit bull dogs within the Village shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
  - (5) **Insurance.** All owners, keepers or harborers of registered pit bull dogs must within thirty (30) days of the effective date of this Section provide proof to the Administrator of public liability insurance in a single incident amount of Fifty Thousand Dollars (\$50,000) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days written notice is first given to the Administrator.
  - (6) **Registration.** All owners, keepers or harborers of pit bull dogs shall within thirty (30) days after the effective date of this Section register said dog with the Village by filing with the Administrator two (2) color photographs of the dog clearly showing the color and approximate size of the dog.
  - (7) **Reporting Requirements.** All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the incident, report the following information in writing to the Administrator:

- a. The removal from the Village or death of a registered pit bull;
  - b. The birth of offspring of a registered pit bull dog;
  - c. The new address of a registered pit bull dog should the dog be moved within the Village of Combined Locks.
  - d. If the registered pit bull dog is sold, the name and address of the new owner.
- (8) **Animals Born of Registered Dogs.** All offspring born of pit bull dogs registered within the Village must be removed from the Village within six (6) weeks after the birth of said animal.
- (9) **Failure to Comply.** It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the Village to fail to comply with the requirements and conditions set forth in this Section.

### **Sec. 7-1-10 Animal Feces.**

- (a) **Removal of Fecal Matter.** The owner or person in charge of any dog, cat, horse, or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.
- (b) **Accumulation of Fecal Matter Prohibited on Private Yards.** The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

### **Sec. 7-1-11 Injury to Property by Animals.**

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

### **Sec. 7-1-12 Animals in Parks and Cemeteries.**

- (a) **Municipal Parks.** Pets are not allowed in any municipal parks with the exception of hiking trails in Memorial Park and hiking trails in Lindberg Park. The leash law as contained in Section 7-1-6(c) applies. This Section shall not apply to a person who is visually or physically handicapped.
- (b) **Cemeteries.** Animals are prohibited at any time in cemeteries.

## **Sec. 7-1-13 Prohibited and Protected Animals, Fowl, Reptiles and Insects; Farm Animals.**

(a) **Protected Animals.**

- (1) **Possession and Sale of Protected Animals.** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kemp*).
- (2) **Compliance with Federal Regulations.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) **Regulating the Importation of Certain Birds.** No person, firm or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

- (b) **Exceptions.** The provisions of Subsections (a) and (c) herein shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- (c) **Wild Animals.** No person shall keep or permit to be kept any wild animal as a pet.
- (d) **Farm Animals.** Except as otherwise permitted within this Section, no person shall keep, sell or offer for sale within the Village of Combined Locks any horses, cows, pigs, goats, sheep, bees, pigeons, chickens, geese, ducks or other fowl or any other domestic animal other than a dog, cat, rabbit, small caged birds, small caged animals or reptiles or aquatic and amphibian animals, kept solely as pets.
- (e) **Wild Animals Kept for Display Purposes.** No person shall exhibit or permit to be kept on their premises or any public place any wild animal for display or exhibition purposes, whether gratuitously or for a fee.
- (f) **Exception for Animals Kept in a Veterinarian's Care.** The prohibitions in Subsection (c) of this Section do not apply when the creatures are in the care, custody or control of a veterinarian for treatment.

- (g) **Exemptions.** Public or private educational institutions, nonprofit organizations, itinerant or transient carnivals, circuses or other theatrical performances may seek, from the Health Officer, a limited exemption from this Section provided the display will be of limited duration and meet any other requirements or conditions mandated by the Health Officer and the location complies with provisions of Title 13 of this Code of Ordinances, pertaining to zoning of the Village. The person or organization having custody and control of any animal permitted by this Section shall be responsible for compliance with all other provisions of this Chapter while the animal remains within the Village limits.
- (h) **Prohibition on Feeding Deer.** No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer:
- (1) **Presumption.** There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
    - a. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon at the height of less than six (6) feet off the ground.
    - b. The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon in a drop feeder, automatic feeder, or similar device regardless of the height of the grain, fruit, mineral, or vegetable material.
  - (2) **Exceptions.** This Section shall not apply to the following situations:
    - a. *Hunting.* The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules, and regulations governing hunting and the discharge of hunting weapons.
    - b. *Naturally Growing Materials.* Naturally growing grain, fruit, or vegetable material, including gardens and residue from lawns, gardens, and other vegetable materials maintained as a mulch pile.
    - c. *Bird Feeders.* Unmodified commercially purchased bird feeders or their equivalent.
    - d. *Authorized by the Village Board.* Deer feeding may be authorized on a temporary basis by the Village Board for a specific public purpose as determined by the Village Board.

## **Sec. 7-1-14 Sale of Rabbits, Chicks or Artificially Colored Animals.**

- (a) **Sale of Artificially Colored Fowl or Animals.** No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

(b) **Sale of Live Fowl.**

- (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
- (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

*State Law Reference:* Sec. 948.11, Wis. Stats.

**Sec. 7-1-15 Providing Proper Food and Drink to Confined Animals.**

- (a) 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.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) 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.

*State Law Reference:* Sec. 948.13, Wis. Stats.

**Sec. 7-1-16 Providing Proper Shelter.**

- (a) **Proper Shelter.** 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 in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** 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.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
  - (1) **Shelter from sunlight.** 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 paragraph, "caged" does not include farm fencing used to confine farm animals.

- (2) **Shelter from inclement weather.**
  - a. 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.
  - b. 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.
- (d) **Space Standards.** Minimum space 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.
  - (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.
- (e) **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.

*State Law Reference:* Sec. 948.14, Wis. Stats.

## **Sec. 7-1-17 Neglected or Abandoned Animals.**

- (a) **Neglected or Abandoned Animals.**
  - (1) No person may abandon any animal.
  - (2) Any law enforcement or animal control officer may remove, shelter and care for an 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 (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
  - (4) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such

officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he/she shall prove that such killing was unwarranted.

(5) Section 948.16, Investigation of Cruelty Complaints, and Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

- (b) **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 sick or injured. In the event the owner of such animal cannot be located, the Village of Combined Locks or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

*State Law Reference:* Sections 948.15, 948.16 and 948.17, Wis. Stats.

## **Sec. 7-1-18 Cruelty to Animals and Birds Prohibited.**

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his/her duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or



wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

### **Sec. 7-1-19 Limitation on Number of Animals.**

No person or household shall keep more than six (6) animals, the maximum number of dogs being three (3), the maximum number of rabbits being two (2), on any Village of Combined Locks lot, land parcel, home or dwelling unit if in a multiple dwelling unit, with the exception of a litter of pups or kittens, which may be kept for a period of time not to exceed five (5) months from birth. This Section does not apply to premises holding a valid kennel license.

### **Sec. 7-1-20 Trapping of Animals.**

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on Village-owned land within the Village of Combined Locks 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.
- (c) All such traps set, placed or tended shall comply with Ch. 29, Wis. Stats., as they relate to trapping.
- (d) This Section shall not apply to trapping on private property.
- (e) Nothing in this Section shall prohibit or hinder the Village of Combined Locks or its employees or agents from performing their official duties.

### **Sec. 7-1-21 Vietnamese Potbellied Pigs.**

- (a) **Definitions.** As used in this Section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - (1) "Vietnamese Potbellied Pig" shall mean a purebred Vietnamese Potbellied Pig registered through a North American Vietnamese Potbellied Pig Registry, which does not exceed one hundred (100) pounds in weight.
- (b) **License Required/Fee.** It is unlawful for any person, party, firm or corporation to keep or maintain within the Village of Combined Locks limits a Vietnamese Potbellied Pig

without first having obtained a license from the Village Administrator and being in compliance with all provisions of this Section. The fee for a license issued hereunder or renewal thereof shall be Ten Dollars (\$10.00) per calendar year or fraction thereof. Excepted from the license requirement is any law enforcement agency or agency under contract with the Village to care for stray or unwanted animals.

(c) **License/Application.**

- (1) Any applicant for a license or renewal thereof under this Section shall file with the Village Administrator a fully executed application on a form prescribed by the Village Administrator, accompanied by the annual license fee.
- (2) No licenses or renewal thereof shall issue hereunder until:
  - a. A Certificate of Purebred Registration is filed with the Village Administrator.
  - b. There has been an inspection by a Village law enforcement officer or the Building Inspector of the premises being licensed and a determination by said sanitarian that all requirements of this Section, and other applicable general and zoning ordinances, have been met.
  - c. There is an adequate means of restraining animals from running at large or disturbing the peace.
- (3) Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the 31st day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.
- (4) When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any Village personnel requesting to examine it and having authority to enforce this Section.
- (5) Only one (1) Vietnamese Potbellied Pig may be at any premises.

(d) **License Requirements.** Licensee shall comply with the following as a condition of obtaining and maintaining a license:

- (1) Animal feces to be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
- (2) When sunlight is likely to cause overheating to discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.
- (3) An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for purposes of restraint.
- (4) When the atmospheric temperature is less than fifty degrees Fahrenheit (50°F), an animal shall be kept indoors at a temperature no less than fifty degrees Fahrenheit (50°F), except for temporary ventures which do not endanger the animals health.

- (5) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.
  - (6) Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.
  - (7) Animals may not be permitted to exceed one hundred (100) pounds in weight.
  - (8) Animals shall be examined by a veterinarian within a period of sixty (60) days prior to a new license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:
    - a. The animal's weight.
    - b. The animal has received all recommended vaccinations and boosters.
    - c. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.
    - d. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.
    - e. The animal has passed a pseudorabies test administered in accordance with application state regulations.
  - (9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six (6) feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape therefrom.
  - (10) Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.
- (e) **Suspension, Revocation or Denial of Renewal of License.** The Chief of Police shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any license has violated any of the provisions of this Section, or any ordinance of the Village, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant

or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Village Board by filing a request within ten (10) days of such notice.

## **Sec. 7-1-22 Pigeon Keeping.**

- (a) **Definitions.** As used in this Section, the following terms shall have the following meanings, unless the context clearly indicates a different meaning is intended:
- (1) **Pigeon.** A member of the family Columbidae, and shall include "Racing Pigeons", "Fancy Pigeons" and "Sporting Pigeons" as defined in this Section.
  - (2) **Racing Pigeon.** A pigeon which, through selective past breeding, has developed the distinctive physical and mental characteristics as to enable it to return to its home after having been released a considerable distance therefrom, and which is accepted as such by the American Racing Pigeon Union, Inc., or the International Federation of Racing Pigeon Fanciers. Also, commonly known as Racing Homer, Homing Pigeon, or Carrier Pigeon.
  - (3) **Fancy Pigeon.** A pigeon which, through past breeding, has developed certain distinctive physical and performing characteristics as to be clearly identified and accepted as such by the National Pigeon Association, the American Pigeon Club, or the Rare Breeds Pigeon Club. Examples: Fantails, Pouters, Trumpeters.
  - (4) **Sporting Pigeon.** A pigeon which, through selective past breeding, has developed the ability to fly in a distinctive manner, such as aerial acrobatics or endurance flying. Examples: Rollers, Tippers.
  - (5) **Loft.** The structure for the keeping or housing of pigeons.
  - (6) **Mature Pigeon.** A pigeon aged six (6) months or older.
  - (7) **Owner.** The owner of a pigeon or pigeons.
- (b) **Conditions for Keeping of Pigeons.** The keeping, breeding, maintenance and flying of pigeons shall be permitted, on the following conditions:
- (1) The loft shall be of such sufficient size and design, and constructed of such material, that it can be maintained in a clean and sanitary condition.
  - (2) There shall be at least one (1) square foot of floor space in any loft for each mature pigeon kept therein.
  - (3) The construction and location of the loft shall not conflict with the requirements of any Building Code or Zoning Code of the Village of Combined Locks.
  - (4) All feed for said pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.
  - (5) The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the Village.
  - (6) All pigeons shall be confined to the loft, except for limited periods necessary for exercise, training and competition; and at no time shall pigeons be allowed to perch or linger on the buildings of property of others.

- (7) All pigeons shall be fed within the confines of the loft.
- (8) No one shall release pigeons to fly for exercise training or competition except in compliance with the following rules:
  - a. The owner of the pigeons must be a member in good standing of an organized pigeon club, such as the American Racing Pigeon Union, Inc., the International Federation of racing Pigeon Fanciers, the National Pigeon Association, the American Tippler Society, the International Roller Association, the Rare Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.
  - b. Pigeons will not be released for flying which have been fed within the previous four (4) hours.
- (9) No owner may have more than twenty (20) pigeons in a residentially zoned area.
- (c) **Right of Entry for Inspection.** Village law enforcement officers may enter and inspect any property or loft at any reasonable time for the purpose of investigating either an actual or suspected violation or to ascertain compliance or noncompliance with this Section.
- (d) **Violations.** Each day that a violation of this Chapter continues shall be deemed a separate violation. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure, impoundment and removal from the Village by Village officials in the event the owner or keeper of the dog fails to remove the dog from the Village. In addition to the foregoing penalties, any person who violates this Chapter shall pay all expenses including shelter, food, handling and veterinary care necessitated by the enforcement of this Chapter.

### **Sec. 7-1-23 Vehicle Accidents.**

Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall immediately report such injury or death to the animal's owner or custodian. If the owner or custodian cannot be ascertained and located, such operator shall at once report the accident to the Police Department or to the Humane Society.

### **Sec. 7-1-24 Procedure for Declaring an Animal a Dangerous Animal.**

- (a) **Law Officer Declaration.**
  - (1) Upon conducting an investigation, a law enforcement officer may issue an order declaring an animal to be a dangerous animal. Whenever an owner or custodian wishes to contest an order, he/she shall, within seventy-two (72) hours after receipt of the order, deliver to the Village Clerk a written objection to the order stating specific reasons for contesting the order.

- (2) Upon receipt of the written objection, the matter shall be placed on the agenda for the Village Board to be reviewed at the next regular meeting. The Village Board shall act as a quasi-judicial body allowing the animal's owner or custodian an opportunity to present evidence at this hearing as to why the animal should not be declared dangerous.
- (b) **Village Board Determination.** After the hearing, the owner or custodian shall be notified in writing of the Village Board's determination. If the Village Board upholds the determination that the animal is dangerous, the owner or custodian shall comply with the requirements of Sec. 7-1-25. If the owner or custodian further contests the determination, he/she may, within five (5) days of receiving the Village Board's decision, seek review of the decision by the Circuit Court.
- (c) **Compliance.** Upon an animal being declared dangerous, the owner or custodian shall immediately comply with leashing, muzzling and confinement requirements of Section 7-1-25 with all other requirements in that Section being satisfied within thirty (30) days of the dangerous declaration or reaffirmation thereof, or within such time as established by the Village Board.

## **Sec. 7-1-25 Harboring Dangerous Animals; No Harboring of Prohibited Dangerous Animals.**

- (a) **Dangerous Animals Regulated.**
  - (1) **Compliance With Section.** No person may harbor or keep a dangerous animal within the Village of Combined Locks unless all provisions of this Section are complied with. Any animal that is determined to be a prohibited dangerous animal under this Subsection shall not be kept or harbored in the Village.
  - (2) **Summons Issuance Criteria.** The issuance of a summons for a violation of this Section need not be predicated on a determination that an animal is a dangerous animal.
- (b) **Registration.** The owner of any animal declared dangerous shall register it with the Police Department upon disposition, and annually thereafter on or before April 1 of each year, by providing a current color photograph of the animal, payment of a Seventy-five Dollar (\$75.00) registration fee, and proof of liability insurance as outlined in Subsection (g).
- (c) **Leash and Muzzle.**
  - (1) **When Leash Required.** No owner or custodian harboring or having the care of a dangerous animal may permit such an animal to go outside its dwelling, kennel or pen unless the animal is securely restrained with a leash no longer than four (4) feet in length.
  - (2) **Competent Person Controlling Leash.**
    - a. No person may permit a dangerous animal to be kept on a chain, rope or other type of leash outside its dwelling, kennel or pen unless a person who is sixteen

- (16) years of age or older, competent to govern the animal and capable of physically controlling and restraining the animal, is in physical control of the leash.
- b. A dangerous animal may be securely leashed or chained to an immovable object, with the owner or custodian being in the physical presence of the animal at all times when it is so leashed or chained.
- (3) **Use of Muzzling Device.** A dangerous animal outside of the animal's dwelling, kennel or pen shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.
- (d) **Confinement.**
- (1) **Indoor or Pen Confinement.** Except when leashed and muzzled, all dangerous animals shall be securely confined indoors or in a securely enclosed and locked pen or kennel that is located on the premises of the owner or custodian and constructed in a manner that does not allow the animal to exit the pen or kennel on its own volition.
- (2) **Pen/Kennel Standards.** When constructed in a yard, the pen or kennel shall, at a minimum, be constructed to conform to the requirements of this Subsection. The pen or kennel shall be childproof from the outside and animal-proof from the inside. A strong metal double fence with adequate space between fences [at least two (2) feet] shall be provided so that a child cannot reach into the animal enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a dangerous animal shall be locked with a key or combination lock when the animal is within the structure. The structure shall either have a secure bottom or floor attached to the sides of the pen or the sides of the pen shall be embedded in the ground no less than two (2) feet. All structures erected to house dangerous animals shall comply with all Village zoning and building regulations. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
- (3) **Inadequate Indoor Confinement.** No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or custodian that would allow the animal to exit the building on its own volition. No dangerous animal 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 animal from exiting the structure.
- (e) **Signage.** The owner or custodian of a dangerous animal shall display, in prominent places on his/her premises near all entrances to the premises, signs in letters of not less than two (2) inches high warning that there is a dangerous animal on the property. A similar sign is required to be posted on the kennel or pen of the animal. In addition, the owner or custodian shall conspicuously display a sign with a symbol warning children of the presence of a dangerous animal.

- (f) **Spay and Neuter Requirement.** Within thirty (30) days after an animal has been designated dangerous, the owner or custodian of the animal shall provide written proof from a licensed veterinarian that the animal has been spayed or neutered.
- (g) **Liability Insurance.** The owner or custodian of a dangerous animal shall present to the Police Department a certificate of insurance that the owner or custodian has procured liability insurance in an amount not less than One Million Dollars (\$1,000,000.00) for any personal injuries inflicted by the dangerous animal. Whenever such policy is cancelled or not renewed, the insurer and animal's owner or custodian shall notify the Police Department of such cancellation or non-renewal in writing by certified mail.
- (h) **Waiver by Village Board.** Upon request, by the owner or custodian, the Village Board may waive any requirement specified in Subsections (a) through (g) that is deemed to be inappropriate for a particular dangerous animal.
- (i) **Notification.** The owner or custodian shall notify the Police Department within twenty-four (24) hours if a dangerous animal is at large, is unconfined, has attacked another animal, has attacked a human being or has died. No person may sell or transfer possession of a dangerous animal to another person without first notifying the person to whom the dangerous animal is being sold or transferred of the fact that such animal is a dangerous animal and of any requirements imposed upon the selling or transferring party by this Subsection. No person may sell or transfer possession of a dangerous animal to another person, agency, organization or the like without first notifying the Police Department in writing, at least three (3) days in advance of the sale or transfer of possession with the name, address and telephone number of the new owner of the dangerous animal. If the dangerous animal is sold or given away to a person residing outside the Village, the owner or custodian shall present evidence to the Police Department showing that he/she has notified the Police Department, or other law enforcement agency of the animal's new residence, including the name, address and telephone number of the new owner of the dangerous animal.
- (j) **Euthanasia.** If the owner or custodian of an animal that has been designated a dangerous animal is unwilling or unable to comply with the regulations for keeping the animal in accordance with this Section, he/she may have the animal humanely euthanized by an animal shelter, the humane society or a licensed veterinarian.
- (k) **Waiver.** The Village Board may waive the provisions of Subsections (b) to (g) for a law enforcement or military animal upon presentation by the animal's owner or handler of satisfactory arrangement for safe keeping of the animal.

## **Sec. 7-1-26 Certain Animals Not to be Declared Dangerous or Prohibited Dangerous.**

Notwithstanding the definition of a dangerous animal or prohibited dangerous animal in Section 7-1-1:



- (a) **Tormenting, Trespass or Criminal Act Situations.** No animal may be declared dangerous or prohibited dangerous if:
  - (1) Death, injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a trespass on the land with criminal intent or criminal trespass on the dwelling upon the premises occupied by the owner or custodian of the animal;
  - (2) The person was teasing, tormenting, abusing or assaulting the animal; or
  - (3) The person was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.
- (b) **Animal Engaged in Protecting a Person.** No animal may be declared dangerous if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
- (c) **Law Enforcement Animals.** No animal may be declared dangerous or prohibited dangerous for acts committed by the animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

## **Sec. 7-1-27 Prohibited Dangerous Animals – Declaration, Destruction and Enforcement.**

- (a) **Not Permitted in Village.** No person may bring into or keep in the Village of Combined Locks any animal that is a prohibited dangerous animal under this Chapter.
- (b) **Declaration of a Prohibited Dangerous Animal.**
  - (1) The Police Department may declare an animal to be a prohibited dangerous animal whenever the Police Department finds that an animal meets the definition of a prohibited dangerous animal or is a dangerous animal in non-compliance with any of the provisions of Section 7-1-25.
  - (2) Upon conducting an investigation and finding an animal meets the definition of a prohibited dangerous animal, the Police Department may issue an order declaring an animal to be a prohibited dangerous animal. Whenever an owner or custodian wishes to contest an order, he/she shall, within seventy-two (72) hours after receipt of the order, deliver to the Village Clerk a written objection to the order stating specific reasons for contesting the order. Upon receipt of the written objection, the matter shall be placed on the agenda for the Village Board to be reviewed at the next regular meeting. The Village Board shall act as a quasi-judicial body allowing the animal's owner or custodian an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.
  - (3) Pending the outcome of the hearing, the animal may be confined subject to the requirements of Section 173.21, Wis. Stats., or held at a location outside the limits of the Village.

- (4) After the hearing, the owner or custodian shall be notified in writing of the Village Board's determination. If a determination is made that the animal is a prohibited dangerous animal, the owner or custodian shall comply with Subsection (a) within five (5) days after the date of the determination. If the owner or custodian further contests the determination, he/she may, within five (5) days of receiving the Village Board's decision, seek review of the decision by the Circuit Court.
- (c) **Destruction.** Any dog that has caused bodily harm to a person, persons or a domestic animal on two (2) separate occasions off the owner's premises, without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under Sec. 174.02(3), Wis. Stats. The Village Attorney may petition an appropriate court to obtain a court order to destroy such a dog.
- (d) **Enforcement.** The Police Department may make whatever inquiry is deemed necessary to ensure compliance with this Section.
- (e) **Waiver.** The Village Board may waive the provisions of this Section for a law enforcement or military animal upon presentation by the animal's owner or handler of a satisfactory arrangement for safe keeping of the animal.

## **Sec. 7-1-28 Penalty Provisions.**

- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21, 7-1-22 or 7-1-23 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). 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.
- (b)
  - (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4, 7-1-5, 7-1-24 or 7-1-25 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
  - (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Sections 7-1-6 through 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.
- (d) Any owner who refuses to comply with Section 7-1-27 of this Code of Ordinances shall be fined not less than One Hundred Dollars (\$100.00) nor more than Four Hundred Dollars (\$400.00). Each day the animal is kept within the Village in violation of Section 7-1-27 will constitute a separate occurrence.

- (e) This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining the person from violating any aspects of this Chapter or to affirmatively order conditions of confinement or destruction.