

CHAPTER 6 ANIMALS

6.01 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:

Animal means mammals, reptiles and birds.

At large means to be off the premises of the owner and not under the control of a person by leash, but a dog within an automobile of its owner or of another person, with the consent of the owner, shall be deemed not at large.

Cat means any feline, regardless of age or sex.

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

Dog means any canine, regardless of age or sex.

Farm animal means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

Law enforcement officer has the meaning set forth in Wis. Stats. § 967.02(5), and includes a humane officer under Wis. Stats. § 58.097, but does not include a conservation warden appointed under Wis. Stats. § 23.10.

Owner means any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog remains or to which it customarily returns daily for a period of ten days; such person is presumed to be harboring or keeping the dog within the meaning of this definition.

Pet means an animal kept and treated as a pet.

Spayed or neutered means a dog and/or cat having nonfunctional reproductive organs.

6.02 REGULATION OF DOGS AND CATS.

(1) STATE LAW ADOPTED. The provisions of Ch. 174, Wis. Stats., and as subsequently amended, so far as applicable, are adopted by reference and made a part hereof as if fully set forth herein.

(2) LICENSE REQUIRED. Except as provided in § 174.075, Wis. Stats., the owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license as herein provided.

(3) LICENSE FEE. Every person residing in the Village owning any male or female dog or having same in his or her possession shall obtain a license for such dog to be kept or harbored in the Village by paying to the Village Clerk/Treasurer the minimum dog license tax of \$8.00 for an unneutered male or unspayed female dog, or upon presentation of evidence that the dog is neutered or spayed, the sum of \$3.00 for a neutered male or spayed female or one-half of these amounts if the dog became 5 months of age after July 1 of the license year.

(a) Late Fees. In accordance with §174.05(5), Wis. Stats., the Village Clerk/Treasurer shall assess and collect a late fee of \$5 from every owner of a dog 5 months of age or over, if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog or if the

CHAPTER 6 ANIMALS

owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid in to the Village treasury as revenue of Village. The Village Board may, when setting the amount of the tax, provide that any person purchasing a dog license for a dog 5 months of age or over after April 1 shall pay an additional late fee.

(b) Dwelling Limits Established. No one may have more than two (2) dogs per dwelling. If more than two (2) dogs are desired he/she will have to appear at the Village Board meeting at which a public hearing will be held. A special license of \$50.00 will be issued if the Board finds the need to be acceptable to the residents of the Village

(c) Additional Tax. The Village Board may by resolution raise the minimum dog license tax on dogs within its jurisdiction. If the Village Board increases the minimum tax, it shall provide that the tax for unneutered male dogs and unspayed female dogs is greater than the tax for neutered male dogs and spayed female dogs. The additional tax may not exceed the total cost of all dog licensing, regulating and impounding activities for the previous year, less any refunds which may be received under §174.09 (2), Wis. Stats., and shall be levied and collected in the same manner as other dog license taxes.

(4) TAG ISSUANCE. Upon the presentation of such receipt, the Village Clerk-Treasurer shall issue the license mentioned in subs. (3) and shall give the party presenting such receipt a tag suitable to be worn upon the collar of said dog. The Village Clerk-Treasurer shall keep a record of the persons taking out licenses and also the description and sex of all dogs licenses.

(5) LICENSE: TERM. The license year commences on January 1 and ends on the following December 31.

6. 03 OWNER. Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which the dog or cat remains or to which it customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog or cat within the meaning of this section.

6. 04 RUNNING AT LARGE PROHIBITED. It is unlawful for dogs, cats or domestic animals to run at large within the corporate limits of the Village. Any dogs, cats or domestic animals shall not be deemed at large if under the immediate control of any person.

(1) "At large" means to be off the premises of the owner, and while off the premises, not under the control of the owner or a member of his immediate family over twelve years of age, either by leash or otherwise; but a dog within any automobile of its owner shall also be deemed upon the owner's premises.

(2) "Leash" means a cord, thong, or chain, not more than ten feet in length, by which a dog is controlled by the person accompanying it.

6.05 RESTRICTIONS ON KEEPING OF DOGS, CATS AND DOMESTIC ANIMALS. It shall be unlawful for any person within the Village to own, harbor or keep any dog, cat or domestic animal which:

(1) Habitually pursues vehicles upon any street, alley or highway.

(2) Molests passersby or assaults or attacks any person without provocation.

(3) Is at large within the limits of the Village.

(4) Habitually barks or howls to the annoyance of any person or persons. This paragraph shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the Village Pound.

(5) Kills, wounds or worries any domestic animal.

(6) Damages the lawn or garden of another.

(7) Urinates or defecates on public property or other private property. In the event the animal defecates on another's land or any public right of way, the owner shall immediately remove the feces in a sanitary manner.

CHAPTER 6 ANIMALS

6.06 IMPOUNDING UNLICENSED DOGS OR DOGS RUNNING AT LARGE.

The Police Department or other persons who are appointed by the Village Board for that purpose are hereby authorized to apprehend and keep any unlicensed dog or dogs running at large, and to confine such dogs in the place provided therefore by the Village. Whenever such a dog is apprehended, the owner shall be notified by personal service or by notice at his usual place of abode, and if the owner is not known, an appropriate notice shall be posted on the bulletin board at the Police Station and in two other public places in the Village. If the owner does not claim such dog and pay the costs of apprehending and keeping the same and posting or serving the notices within 7 days after the posting of such notices, or after service of notice, it shall be killed and disposed of in a summary manner, but such killing and destruction shall be done in a proper place and manner.

6.07 IMPOUNDMENT OF STRAY CATS. Any police officer, village marshal or village marshal's designee, or other person authorized by the Village Board to do so may seize, impound or restrain any cat found running at large in violation of this Chapter 6 (Animals) of the Brownsville Municipal Code. All cats seized shall be delivered to the Village Marshal or such other person(s) as the Village Board shall designate, to be disposed of or otherwise dealt with in such manner as the Village Marshal or other person sees fit.

6.08 VICIOUS ANIMALS: KEEPING UNLAWFUL

(1) VICIOUS DEFINED. Vicious as used in this section means an animal as described in subparagraphs a, b, c, d or e below, as follows:

(a) A dog, cat or other domestic animal that may suddenly assault another animal or assaults a person while said person is peacefully walking or riding on the public streets or while lawfully on the premises of the owner or keeper of such dog, cat or other domestic animal.

(b) Any dog, cat or other domestic animal 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.

(c) Any dog, cat or other domestic animal that attacks a human being or another domestic animal without provocation.

(d) Any dog, cat or other domestic animal owned or harbored primarily or in part with the intent that the animal be engaged in an exhibition of fighting, or any dog, cat or other domestic animal trained for fighting.

(e) Any pit bull dog.

1. Definition of pit bull dog.

a. The pit bull terrier breed of dog.

b. The Stafford Shire bull terrier breed of dog.

c. The American pit bull terrier breed of dog.

d. The American Stafford Shire terrier breed of dog.

e. Dogs of mixed breed or of other breeds than listed under subd. a. to d above whose breed or mixed breed are commonly known as pit bull, or pit bull dog or pit bull terrier.

(2) KEEPING UNLAWFUL. It is unlawful for any person or legal entity knowingly to keep, care for, or harbor any vicious dog, cat or domestic animal.

(3) VICIOUS DOG DETERMINATION. The Village Marshal shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious," as defined in this Chapter. In the event the Village Marshal 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.

CHAPTER 6 ANIMALS

(a) Appeal of vicious dog determination. Any person aggrieved by the determination of the Village Marshal, as provided in this subparagraph (3) above, may appeal such determination to a court of competent jurisdiction.

(b) Disposition of Vicious Dogs. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a law enforcement officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

6.09 MUZZLING. Whenever the safety of the public requires it, the Village President, by notice posted and/or published in the official paper of the Village, shall order that for a period of twenty days from and after the date of the notice, no dogs shall be permitted to go abroad in any of the streets, lanes, alleys or public places of the Village without being muzzled with a secure muzzle or being led by a chain or other secure fastening. The owner and keeper of any dog or dogs who permits the same to go abroad contrary to the provision of this section is guilty of an offense.

6.10 CREATING NOISE. No person shall harbor any dog or other animal within his custody that continuously or intermittently barks or creates any noise or disturbance or allow such animal to make any other unusual noise disturbing the neighborhood or passersby. Any person convicted a second time under this section shall forfeit all right, title and interest in any dog or other animal owned or harbored by him, and such animal shall be considered a public nuisance.

6.11 REMOVING DANGEROUS DOGS. Whenever any dog, upon filed written or oral complaint of at least two adult citizens not from the same family, is found to be customarily fierce or dangerous, or in the habit of biting, snapping or threatening any person, or is in the habit of attacking other domestic animals, such dog shall either be removed from the Village or destroyed by the owner within seventy-two (72) hours after service of a written notice by a representative of the police department; or, in the alternative, such dog shall be kept enclosed within an enclosure or wall upon the premises of the owner, which premises shall bear a sign plainly displayed at every point of entrance giving notice of the presence of the dog. It is unlawful to remove such sign while the dog is confined within such enclosure.

6.12 PROPERTY DAMAGE AND TRESPASS. Any person owning or possessing a dog who by himself or his agent permits such dog to go upon any public or private land and break, bruise, tear up, crush, or injure any lawn, flowerbed, plant, shrub, tree or garden, is guilty of an offense.

6.13 RABIES VACCINATION REQUIRED FOR DOGS.

(1) REQUIREMENT FOR VACCINATION. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches 4 months of 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 4 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the State unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this 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 3 years after the previous vaccination.

(2) 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 department 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 vaccine 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 , Education and Welfare and the city, village or town where the dog is required to be licensed.

CHAPTER 6 ANIMALS

(3) 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 show dog during competition, 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 subs. (1).

(4) 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.

(5) DESTRUCTION AUTHORIZED. Any police officer or person authorized by the Village Board to do so, may cause any dog to be killed which they or the health officer believes to be infected with rabies or hydrophobia.

(6) REPORTING REQUIRED. Any person who shall suspect that any dog in the Village is infected with rabies or hydrophobia, shall report his suspicion to any law enforcement officer or any person authorized by the Village Board describing the dog and giving the name of owner if known.

6.14 DUTY TO REPORT ANIMAL BITE. Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person shall immediately report such fact to the Police Department.

(1) If any animal, for which the owner holds a current rabies certificate, is involved in a bite or a scratch incident, the owner shall isolate and confine the animal, under the supervision of a licensed veterinarian for at least ten days from the date of the incident. Supervision of a veterinarian includes, at a minimum, examination of the animal on the first day, on the tenth day, and on one intervening day. If the animal is confined at the residence of the owner, it must not be allowed to come in contact with any other animals or people. It cannot be left unattended outside.

(2) The animal can be taken outside of the residence only to relieve itself, under restraint and under the supervision of an adult.

(3) Any animal involved in a bite or scratch incident that has not been vaccinated, or has not been re-vaccinated within the prescribed times, must be confined at a veterinary hospital under the supervision of a veterinarian for ten days.

(4) Under no circumstances can the owner sell, give away, or destroy the animal until it has been released by a licensed veterinarian after the ten-day confinement (quarantine) period.

6.15 RABIES QUARANTINE. (1) Dogs and Cats Confined. If any animal in the Village is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled until the quarantine is lifted. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three public places in the Village notices of quarantine.

(2) 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 (1) of this section if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

(3) Quarantine or Destruction of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.

CHAPTER 6 ANIMALS

(a) Quarantine or Destruction of Dog or Cat. A law enforcement officer or other persons who are appointed by the Village Board for that purpose 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 dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(b) Sacrifice of Other Animals. A law enforcement 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.

(4) Quarantine of Dog or Cat. (a) Delivery to Isolation Facility or Quarantine on Premises of Owner. An officer or animal warden who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the law enforcement officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

(b) Health Risk to Humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten days after the incident occurred. In this subsection "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.

(5) Risk to Animal Health. (a). If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.

(b). If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(6) Quarantine of Dog or Cat. Destruction of Dog or Cat Exhibiting Symptoms of Rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(7) Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene. A law enforcement officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal

CHAPTER 6 ANIMALS

was infected with rabies. The State Laboratory of Hygiene shall notify the Village, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

(8) Cooperation of Veterinarian. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Village, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

(9) Responsibility for Quarantine and Laboratory Expenses. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

6.16 ANIMALS IN PARKS, PLAYGROUNDS AND CEMETERIES. (1) No dog, cat or other animal shall be allowed in any village park or playground except on a leash or under the immediate control of any person. Pet owners shall comply with the provisions of village ordinance 6.17 while in parks and playgrounds.

(2) Animals are prohibited at any time in cemeteries. This section shall not apply to animals required for the assistance of disabled persons.

6.17 CONTROL OF DEFECATION.

(1) REMOVAL REQUIRED.

(a) Any person owning or having control of a dog on any property, public or private, which is not owned or occupied by such person shall promptly remove excrement left by such dog and place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person.

(b) The owner or person in charge of any private property shall not permit solid fecal matter of any dog to accumulate on such property, including the space between the street or curb and the sidewalk adjacent to such property, for a period in excess of twenty-four (24) hours.

(2) MEANS OF TRANSMITTAL REQUIRED. Any person causing or permitting a dog to be on any property, public or private, not owned or occupied by such person shall have in-his/her immediate possession a device or object suitable for removal of excrement and a depository for the transmission of excrement to the property owned or occupied by such person.

6.18 EMERGENCY PROVISIONS.

(1) MUZZLE ORDER AUTHORIZED. When the health officer shall determine that a dog found in the Village is infected with rabies or hydrophobia, the Village President may upon written advise of the health officer that the public safety and general welfare require it, order by proclamation, that all dogs be muzzled.

ORDINANCE NO. 2015-03
VILLAGE OF BROWNSVILLE, DODGE COUNTY, WISCONSIN
SEPTEMBER 2015

An Ordinance Amending Sec. 6.19 (Hunting) of the Brownsville Municipal Code

WHEREAS, the village board of the Village of Brownsville desires to amend section 6.19 (Hunting) of the Brownsville Municipal Code to be consistent with applicable state statutes.

CHAPTER 6 ANIMALS

NOW, THEREFORE, the village board of the Village of Brownsville do ordain as follows:

I. Section 6.19 of the Brownsville Municipal Code is hereby repealed, and is re-created to read as follows:

6.19 HUNTING.

(1) PROHIBITION. Except as provided under the provisions of § 29.038, Wis. Stats., no person shall within the corporate limits of the Village, take, catch, kill or hunt any game bird or game animal as defined by Ch. 29, Wis. Stats., or any acts or laws amendatory thereto.

(2) Archery Deer Hunting Permitted. Archery hunting for deer utilizing a bow and arrow or crossbow during the legal deer hunting seasons is permitted within the corporate limits of the Village pursuant to the following restrictions.

(a) It shall be unlawful for a person to deer hunt with a bow and arrow or crossbow with 100 yards from a building on another person's land. This restriction does not apply if the person who owns the land on which the building is located allows the hunter to hunt within 100 yards of the building.

(b) It shall be unlawful for a person to hunt with a bow and arrow or crossbow unless their shooting position provides the discharge of the arrow or bolt from the respective weapon be toward the ground.

(c) It shall be unlawful for any person to hunt with a bow and arrow or crossbow on any property owned or leased by the Village of Brownsville.

II. This ordinance shall become effective upon passage and publication according to law.

Passed by the Village Board of the Village of Brownsville in the County of Dodge, in the State of Wisconsin on this 9th day of September, 2015.

Jeffrey Bloohm, Village President ATTEST: Marilyn Halley, Village Clerk

6.21 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES, INSECTS AND FARM ANIMALS.

(1) PROTECTED ANIMALS.

(a) 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 (*canislupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonina mydas*), Mexican ridley turtle (*lepidochelys kempfi*).

(b) 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).

(c) 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 possession 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.

(d) Exceptions. The provisions of subs. (c) 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

CHAPTER 6 ANIMALS

the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

(2) WILD ANIMALS; PROHIBITION ON KEEPING. It shall be unlawful for an person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.

(a) Possession Prohibited. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals, reptiles or insects:

1. All poisonous animals and reptiles including rear-fang snakes.
2. Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamungs (*Symphalangus*).
3. Baboons (*Papoi*, *Mandrillus*).
4. Bears (*Ursidae*).
5. Bison (*Bison*).
6. Cheetahs (*Acinonyx jubatus*).
7. Crocodilians (*Crocodylia*), thirty (30) inches in length or more.
8. Constrictor snakes.
9. Coyotes (*Canis latrans*).
10. Deer (*Cervidae*); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
11. Elephants (*Elephas* and *Loxodonta*).
12. Ferret.
13. Game cocks and other fighting birds.
14. Hippopotami (*Hippopotamidae*).
15. Hyenas (*Hyaenidae*).
16. Jaguars (*Panthera onca*).
17. Leopards (*Panthera pardus*).
18. Lions (*Panthera leo*).
19. Lynxes (*Lynx*).
20. Monkeys, old world (*Cercopithecidae*).
21. Ostriches (*Struthio*).
22. Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
23. Rhinoceroses (*Rhinocero tidae*).
24. Sharks (class *Chondrichthyes*).
25. Snow leopards (*Panthera uncia*).
26. Tigers (*Panthera tigris*).
27. Wolves (*Canis tigris*).
28. Poisonous insects.
29. Lizards and/or Iguana type reptiles.

(b) Exceptions; Pet Shops. The prohibitions of subs. (a) above shall not apply where the creatures are in the care, custody or control of a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show: dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if

1. Their location conforms to the provisions of the zoning ordinance of the Village.
2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
3. Animals are maintained in quarters so constructed as to prevent their escape.
4. No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

(c) Farm Animals; Miniature Pigs. No person shall bring into, keep or maintain in the Village any bees, wasps, hornets, poisonous snakes, horses, mules, ponies, donkeys, cattle, swine, goats, sheep, chickens, ducks, geese, rabbits [more than four (4)], or any animal being raised for furbearing purposes

CHAPTER 6 ANIMALS

or other wild animals unless otherwise permitted elsewhere in this Code of Ordinances. The prohibitions herein do not apply where the creatures are in the care, custody or control of a veterinarian for treatment; agricultural fairs, shows or projects of the 4-H clubs, not including the raising of said animal; a display for judging purposes; and itinerant or transient carnival, circus or other like show; dog or cat shows or trials; public or private educational institutions. The prohibitions herein also do not apply to the keeping or maintaining of farm animals in areas zoned for agricultural purposes by the Village Board. For purposes of this Subsection, the term "swine" shall not include any miniature pigs of either sex weighing less than eighty (80) pounds which are intended for and kept as domestic pets.

6.22 VIETMANESE POTBELLIED PIGS (1) 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:

(a) "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.

(2) License Required/Fee. It is unlawful for any person, party, firm or corporation to keep or maintain within the Village of Brownsville village limits a Vietnamese potbellied pig without first having obtained a license from the Village Clerk-Treasurer 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.

(3) License/Application.

(a) Any applicant for a license or renewal thereof under this section shall file with the Village Clerk-Treasurer a fully executed application on a form prescribed by the Village Clerk-Treasurer, accompanied by the annual license fee.

(b) No licenses or renewal thereof shall issue hereunder until:

1. A certificate of purebred registration is filed with the Village Clerk-Treasurer.

2. There has been an inspection by a Village law enforcement officer or the building inspector of the premises being licensed and a determination by such sanitarian that all requirements of this section, and other applicable general and zoning ordinances, have been met.

3. There is an adequate means of restraining animals from running at large or disturbing the peace.

(c) 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 twenty-first day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.

(d) 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.

(e) Only one Vietnamese potbellied pig may be at any premises.

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

(a) 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

CHAPTER 6 ANIMALS

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.

(b) 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.

(c) 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.

(d) When the atmospheric temperature is less than fifty (50) degrees Fahrenheit, an animal shall be kept indoors at a temperature no less than fifty (50) degrees Fahrenheit, except for temporary ventures which do not endanger the animal's health.

(e) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained.

(f) 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.

(g) Animals may not be permitted to exceed one hundred (100) pounds in weight.

(h) 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:

1. The animal's weight;
2. The animal has received all recommended vaccinations and boosters;
3. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment;
4. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal;
5. The animal has passed a pseudorabies test administered in accordance with applicable state regulation.

(i) 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 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.

(j) 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.

(5) Suspension, Revocation or Denial of Renewal of License. The Village Marshal shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any

CHAPTER 6 ANIMALS

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 Village Marshal. Such notice shall state that the applicant may pursue an appeal to the Village Board by filing a request within ten days of such notice.

6.23 PIGEON KEEPING.

(1) Definitions. As used in this section, the following terms shall have the following meanings, unless the context clearly indicates a different meaning is intended:

"Fancy Pigeon" means 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.

"Loft" means the structure for the keeping or housing of pigeons.

"Mature pigeon" means a pigeon aged six months or older.

"Owner" means the owner of a pigeon or pigeons.

"Pigeon" means a member of the family Columbidae, and shall include "Racing Pigeons," "Fancy Pigeons" and "Sporting Pigeons" as defined in this section.

"Racing Pigeon" means 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.

"Sporting Pigeon" means 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, Tipplers.

(2) Conditions for Keeping of Pigeons. The keeping, breeding, maintenance and flying of pigeons shall be permitted, on the following conditions:

(a) 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.

(b) There shall be at least one square foot of floor space in any loft for each mature pigeon kept therein.

(c) The construction and location of the loft shall not conflict with the requirements of any building code or zoning code of the Village of Brownsville.

(d) All feed for such pigeons shall be stored in such containers as to protect against intrusion by rodents and other vermin.

(e) The loft shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the city.

(f) 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.

(g) All pigeons shall be fed within the confines of the loft.

(h) No one shall release pigeons to fly for exercise, training or competition except in compliance with the following rules:

(1) 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

CHAPTER 6 ANIMALS

Breeds Pigeon Club, or a local club which has rules that will help preserve the peace and tranquility of the neighborhood.

(2) Pigeons will not be released for flying which have been fed within the previous four hours.

(i) No owner may have more than twenty (20) pigeons in a residentially zoned area.

(h) Right of Entry for Inspection. Village of Brownsville 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.

6.24 PRIVATE DOG KENNEL (PEN).

(1) Shall be erected in the rear yard only and shall be located at least 10 feet away from any property line.

(2) Shall be construed structurally sound and maintained in good condition to protect the pet animal from injury, to contain them, and to keep predators out. They shall be constructed of a material that is easily cleanable and maintained so as to enable the pet animals to remain dry and clean and provide convenient access to clean food and water.

(3) Shall be maintained in a sanitary condition and all animal feces must be removed and sanitarily disposed of within twenty-four (24) hours.

6.25 PROVISION OF PROPER FOOD AND DRINK TO CONFINED.

No person owning or responsible for confining or impounding any animal within the Village shall refuse or neglect to supply the animal with a sufficient supply of food and water as follows:

(1) The food shall be sufficient to maintain all confined animals in good health.

(2) Potable water shall be available at all times for all confined animals. When a dog is confined outdoors, during winter months, fresh water must be given in sufficient quantity and monitored periodically during each 24-hour period to prevent the water from freezing.

State law reference— Similar provisions, Wis. Stats. § 951.13.

6.26 PROPER SHELTER.

(1) *Required.* No person owning or responsible for confining or impounding an animal within the Village shall fail to provide the animal with proper shelter as set forth 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.

(2) *Indoor standards.* Minimum indoor standards of shelter shall include:

(a) The ambient temperature shall be compatible with the health of the animal.

(b) Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(3) *Outdoor standards.* Minimum outdoor standards of shelter shall include:

(a) For all animals tied or confined unattended outdoors during the months of April through October, sufficient shade by natural or artificial means shall be provided to protect animals from direct sunlight.

(b) Shelter shall be provided from inclement weather as follows:

1. 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.

CHAPTER 6 ANIMALS

2. If a dog is tied or confined unattended outdoors, or in an unheated enclosure, a shelter of suitable size to accommodate the dog shall be provided. At a minimum, the shelter shall:
 - a. Be a moisture-proof, weathertight doghouse which shall be maintained in good repair;
 - b. Be constructed and maintained so as to provide sufficient space to:
 - i. Allow the dog to turn around freely;
 - ii. Allow the dog to easily sit, stand and lie in a normal position;
 - iii. Keep the dog clean, dry and comfortable; and
 - iv. Maintain the dog's body heat.
 - (c) Made of durable materials including, but not limited to, wood or molded plastic;
 - (d) Have an entrance covered by a self-closing swinging door or covering, or an U-shaped entrance to prevent the wind and elements from blowing directly into the shelter;
 - (e) Have clean bedding to provide insulation and protection against cold and dampness, and promote the retention of body heat. Acceptable bedding shall include, but not be limited to, blankets, hay, straw or cedar shavings;
 - (f) Have suitable drainage, which rapidly eliminates excess water.
- (4) *Space standards.* Minimum space requirements for both indoor and outdoor animal enclosures shall include:
 - (a) The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury, and to contain the animals.
 - (b) 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.
- (5) *Sanitation standards.* All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly to not attract insects or rodents, become unsightly or cause objectionable odors. Further, for all pens, yards, structures or areas, where animals are kept, no portion of the pen, yard, structure or area may be closer than ten feet from a neighboring property owner's lot line.
- (6) *Tying or tethering dogs.* A dog or puppy may be restrained by a fixed-point chain or tether only under the following conditions:
 - (a) Any tethering system shall not allow the dog or puppy to leave the owner's property.
 - (b) No chain or tether shall weigh more than one-eighth of the dog's or puppy's body weight.
 - (c) Any chain or tether shall be at least ten feet in length and have swivels on both ends.
 - (d) Any chain or tether must be attached to a properly fitting collar or harness worn by the animal. Choker collars shall not be used for dogs restrained by a fixed-point chain or tether.

State law reference— Similar provisions, Wis. Stats. § 951.14.

6.27 NEGLECTED, ABANDONED OR INJURED.

- (1) No person may abandon an animal within the Village.
- (2) A law enforcement officer or other Village employee designated by the Village Board may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned, treated in a cruel manner or otherwise treated in such a

CHAPTER 6 ANIMALS

manner that the owner of such animal would be in violation of section 6-25 or 6-26, and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner of such animal, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for the care, keeping and medical attention given to such animal, and the expense of notice.

- (3) No person who owns, harbors or keeps an animal within the Village shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. If the owner of such animal cannot be located, the Village or an 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 of such animal shall reimburse the person or organization for the costs of such treatment.

6.28 CRUELTY TO ANIMALS AND BIRDS.

- (1) *Prohibited.* No person within the Village, except a law enforcement officer or health or humane officer in the pursuit of his duties, shall shoot, kill or commit an act of cruelty to any animal or bird, or disturb a bird's nest or eggs.
- (2) *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.
- (3) *Poisonous and controlled substances.* No person within the Village may expose a pet animal owned by another to any known poisonous substance or controlled substance listed in Wis. Stats. § 951.06, whether or not mixed with meat or other food, 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 a person'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.
- (4) *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) A bristle bur, tack bur or like device;
 - (b) 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.
- (5) *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 manmade enclosure, regardless of the size of such enclosure.

6.29 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.

- (1) 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.
- (2) a. 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.

CHAPTER 6 ANIMALS

- b. No retailer, as defined in Section 100.30(2)(g), Wisconsin Statutes, may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two months of age, in any quantity less than six, unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

6.30 TRAPPING.

- (1) In the interest of public health and safety, it shall be unlawful within the Village for any person in or on Village-owned land 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" means those traps which capture and hold an animal in an alive and unharmed condition.
- (2) This section shall prohibit the use of all traps other than live box-type traps as set forth in subsection (1) of this section, 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.
- (3) All such traps set, placed or tended shall comply with Wis. Stats. ch. 29 as they relate to trapping.
- (4) Nothing in this section shall prohibit or hinder the Village or its employees or agents from performing their official duties.

6.31 DOGNAPPING. No person within the Village may take the dog of another from one place to another without the consent of the owner of such dog, or cause such a dog to be confined or carried out of the Village or held for any purpose without the owner's consent. This section shall not apply to law enforcement officers, authorized Village employees or humane society agents engaged in the exercise of their official duties, or as otherwise permitted in this chapter.

6.32 VEHICLE ACCIDENTS. The operator of any vehicle involved in an accident resulting in injury to or death of a dog which appears to be a pet shall immediately notify the police department or an animal control agency whose jurisdiction extends into the Village of such accident.

6.33 - PENALTIES.

(1) Any person violating Sections 6.02 thru 6.14 and 6.16 thru 6.32 shall be subject to a forfeiture of not less than fifty dollars (\$50.00) and not more than two hundred dollars (\$200.00) for the first violation and not less than one hundred dollars (\$100.00) and not more than four hundred dollars (\$400.00) for subsequent violations.. 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 chapter.

(2) Anyone who violates Section 6.15 of this chapter shall be subject to a forfeiture of not less than two hundred dollars (\$200.00) and not more than four hundred dollars (\$400.00) for the first offense and not less than one hundred dollars (\$100.00) and not more than five hundred dollars (\$500.00) for any subsequent offense.

CHAPTER 6 ANIMALS

(3) An owner who refuses to comply with an order issued under Section 6.15 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 two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.

(4) 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.