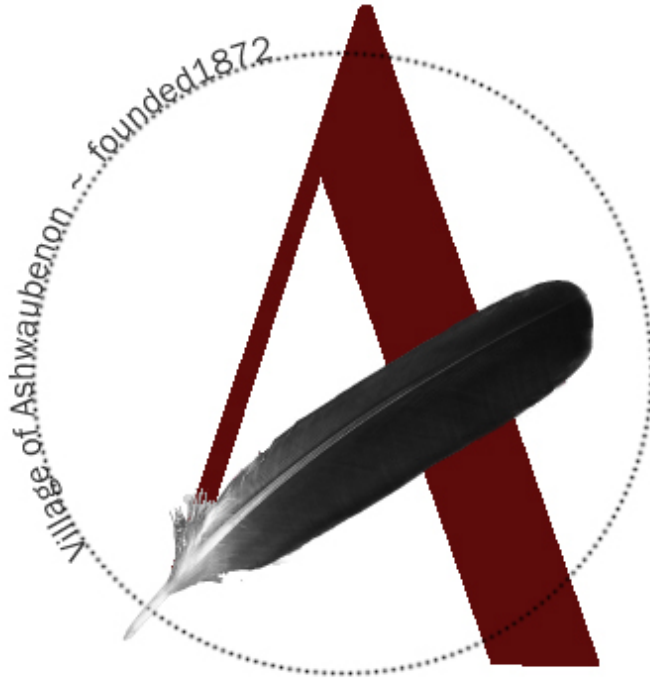


Village of Ashwaubenon

Municipal Code Book

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Chapter 4 - Animals

Municipal Code Book

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Chapter 4 - Animals

Article 1 - In General

4-1-1 Animal Defecation

- (A) No person who has custody of a dog, cat or other animal shall permit such animal to defecate upon any property other than that of its owner or custodian, unless the custodian immediately thereafter cleans up and removes such animal excreta from such property.
- (B) No owner or person in custody of a dog, cat or other animal shall permit more than 72 hours' accumulation of such animal's excreta to remain on the property of the owner or person in custody of the animal.
- (C) No person who has custody of a dog, cat or other animal shall walk or escort such animal off the property of the owner or custodian, unless the person is in possession of equipment to clean up any defecation which may be deposited by such animal.

(Code 2006, § 12.04(8); Ord. No. O7-2-90, 7-24-1990)

4-1-2 Dangerous Animals Prohibited

- (A) *Dangerous animals.* The provisions of this chapter regarding dangerous animals shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes. No person shall own, keep, possess, return to or harbor a dangerous animal within the village.
- (B) *Defined.* The term "dangerous animal" means:
 - (1) Any animal that, while off the owner's or custodian's property, has killed a person, domestic pet or other animal with or without provocation.
 - (2) Any animal that, without provocation, inflicts substantial bodily harm (meaning bodily injury that causes a laceration that requires stitches, any fracture of bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing) on a person, domestic animal on public or private property.
 - (3) Any animal which chases or approaches a person in a menacing fashion or apparent attitude of attack without provocation upon the streets, sidewalks or any public grounds or on private property with the permission of the owner or person in lawful control of the property.
 - (4) Any animal that has been declared dangerous or vicious, banished from or ordered to be destroyed by any other city, village, town or county.
 - (5) Any dog trained, owned or harbored for the purpose of dog fighting.
- (C) *Determination of a dangerous animal.*

- (1) Any public safety officer or the humane officer may issue an order declaring an animal to be a dangerous animal. Such order shall be personally delivered to the apparent owner or custodian of the animal in question. The dangerous animal shall be removed from the village within 48 hours of delivery of the notice. If the owner or custodian wishes to contest such order, he or she shall, within 72 hours after receipt of the order, file with the humane officer or designee a written objection to the order. The written objection shall include specific reasons for objecting to or contesting the order. If an owner or caretaker makes such an objection to the order, a hearing on such order will be held before the Public Works and Protection Committee.
- (2) Pending the outcome of the hearing or 48-hour removal of the dangerous animal, the animal must be securely confined in a humane manner either on the premises of the owner or caretaker or with a licensed veterinarian. If confined on the premises of the owner or custodian, the following requirements shall apply:
 - (a) The animal may not be permitted to go outside its kennel or pen unless the animal is securely restrained with a leash no longer than four feet in length by a person who is at least 16 years of age who is in physical control of the leash, competent to govern the animal and capable of physically controlling and restraining the animal. The animal may not be leashed to inanimate objects such as trees, posts and buildings. The animal on a leash outside the animal's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the animal from biting persons or other animals.
 - (b) Except when leashed and muzzled, or securely kenneled or penned, all animals declared dangerous while pending appeal shall be securely confined indoors. No dangerous animal may be kept on a porch, patio or in any part of a house or structure on the premises 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 screened windows or screened doors are the only obstacle preventing the animal from exiting the structure.
 - (c) The premises housing the animal pending appeal shall have displayed in prominent places near all entrances to the premises, signs in letters of not less than two 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, a sign with a symbol warning children of the presence of a dangerous animal shall also be prominently displayed.
 - (d) If an owner or custodian fails to follow the above requirements pending appeal of the order, the animal may be impounded by the officer issuing the dangerous animal order.
- (3) After the hearing, the owner or caretaker shall be notified in writing of the Committee's determination. If a determination is made that the animal is dangerous, the animal shall be removed from the Village within 48 hours of the determination.
- (D) *Destruction.* The provisions of Wis. Stats. § 174.02 shall apply to any dog or other animal that has caused bodily harm to a person or persons on two separate occasions off the owner's premises without reasonable cause.

- (E) *Penalty.* Any person who owns, keeps, possesses, harbors, or returns any dangerous animal to the village, after it has been declared to be dangerous by owner's omission, quasi-judicial hearing, or appeal, or violates any section of this ordinance, shall be subject to a forfeiture of not less than \$200.00 nor more than \$1,000.00.

(Code 2006, §§ 9.08(1), 12.04(4); Ord. No. 2-1-85, 2-26-1985; Ord. No. O10-3-09, § 1, 10-13-2009)

4-1-3 Running At Large

- (A) No person owning, harboring or keeping any animal or fowl shall allow the animal or fowl to run at large within the village.
- (B) No person shall own, harbor or keep a dog which runs at large. A dog shall be considered as running at large when not on the premises of or within the immediate presence and control of its owner or keeper. Any public safety officer, community service specialist, humane officer or other designated public official of the village may enter any premises, except the premises of the owner or keeper of such animal, and capture, by any reasonable and necessary means, such animal.
- (C) An exception to subsection (A) of this section is the allowing of the keeping of certain species of pigeons.
- (D) The term "fowl" shall include pigeons. However, the species known as homing, carrier or racing pigeons shall be exempt from the running-at-large regulations to the extent that such birds may be permitted to fly for training purposes and races.

(Code 2006, §§ 9.08(2), (3)(a), 12.08(4))

4-1-4 Permit Required to Keep or Raise Pigeons; Requirements for Coops and Pens

- (A) The harboring of pigeons other than in an approved pen or coop is declared a public nuisance. No person shall operate or maintain a pen, coop, cote or other structure for the purpose of keeping or raising pigeons without obtaining a permit therefor. The permit shall be obtained annually and shall expire on December 31 of each year. Such permit shall be issued by the village clerk upon payment of the annual fee on file in the village clerk's office and certification by a representative of the public safety department that the structure housing the pigeons conforms to all local codes and regulations. Failure to comply with any local codes or regulations within ten days after notice by a representative of the public safety department shall result in revocation of the permit by the village board.
- (B) All coops and pens shall be constructed so as to be easily cleaned and kept in good repair. The inside and outside of such structures shall be whitewashed or painted as often as necessary to keep them clean or finished with such material as can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor. Accumulations of cleanings or excrement of more than one day's operation in any such structure shall be deemed a violation of this section.

(Code 2006, §§ 9.08(3)(b), (c), 12.08(4))

4-1-5 Keeping of Livestock and Poultry Regulated

- (A) *Livestock*. No person shall keep or maintain any livestock such as horses, cattle, sheep or goats in any zoning district, except the rural estate district.
- (B) *Poultry*. No person shall keep or maintain poultry, chickens or fowl in any zoning district, except the rural estate district and as provided in (C).
- (C) *Poultry—Keeping of Chickens in the Village*. In addition to all other regulations in this section, the following shall apply to the keeping of chickens within the village in the one-family residence district (1R).
- (1) *Definitions*. The following terms, when used in this section, shall have the meanings set forth below:
- (a) *Chicken* means a domestic chicken of the sub-species *Gallus gallus domesticus*.
- (b) *Keep* means either the owning, keeping, possessing or harboring of a chicken.
- (c) *Rooster* means a male chicken of any age, including a capon or otherwise neutered male chicken.
- (d) *Coop* means a new or existing enclosed accessory structure designed or modified for the keeping of chickens and meeting the requirements of this section.
- (e) *Chicken run* means a fenced cage attached to a coop and not to exceed 40 square feet in area.
- (2) *Permit required*.
- (a) Any person who keeps chickens in the one family residence district (1R) which the person owns, occupies or controls shall obtain a permit issued by the clerk. The permit is valid January 1—December 31 and the fee shall be as established by resolution of the village board.
- (b) All applicants must receive written approval from all of the owner-occupied neighboring property owners whose property is within 100 feet of the applicant's property lines exclusive of street right-of-way. Applicant shall contact neighboring property owners and provide to the neighboring property owners information required for the license in order that such neighboring property owners may be informed as to the impact that such chickens may have on the neighborhood.
- (c) Permit applications submitted by a person other than a record title owner of the property upon which chickens will be kept shall provide written consent of the property owner with the permit application.
- (d) All permit applications shall be accompanied by satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agricultural Trade and Consumer Protection pursuant to Wis. Stats. § 95.51 and 47 ATCP Wis. Admin. Code.
- (3) *Keeping of Chickens Allowed*.

- (a) Up to four chickens are allowed with a permit.
 - (b) Up to four permits may be issued in the one family residence district (1R) on an annual basis.
 - (c) No person shall keep any rooster.
 - (d) No person other than at a licensed meat processing facility may slaughter any chickens within the village.
 - (e) Chickens shall be provided with fresh water at all times and adequate amounts of feed.
 - (f) Chickens shall be provided with a sanitary and adequately sized coop, and shall be kept in the coop or a sanitary and adequately sized and chicken run attached thereto at all times. Chickens shall not be allowed to free range.
 - (g) All permanent (non-mobile) coops shall comply with all building and zoning requirements of the Ashwaubenon Municipal Code.
 - (h) Coops shall be construed in a workmanlike manner, be moisture-resistant and either raised up off the ground or placed on a hard surface such as concrete, patio block or gravel.
 - (i) Coops with or without a chicken run shall be constructed and maintained to reasonably prevent the collection of standing water, and shall be cleaned of hen droppings, uneaten feed, feathers and other waste daily and as is necessary to ensure that the coop and yard do not become a health, odor or other nuisance. All feed containers shall be rat-proof. All chicken droppings shall be disposed of in accordance with Chapter 18 of the Ashwaubenon Municipal Code (solid waste disposal).
 - (j) Coops shall be large enough to provide at least four square feet per chicken.
 - (k) No chicken coop shall be located closer than 25 feet to any principal residential structure on an adjacent lot. No chicken coop shall be located within any setback area.
 - (l) No chicken coop shall be located in the front or side yard of a parcel, whether outside the setback or not.
 - (m) In addition to compliance with the requirements of this section, no one shall keep chickens that cause any other nuisance associated with unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals.
- (4) *Public Health Requirements.*
- (a) Chickens shall be kept and handled in a sanitary manner to prevent the spread of communicable diseases among birds or to humans.

- (b) Any person keeping chickens shall immediately report any unusual illness or death of chickens to the health department.
- (c) The humane officer/CSO may order testing, quarantine, isolation, vaccination or humane euthanasia of ill chickens or chickens believed to be a carrier of a communicable disease. The owner of the chicken shall be responsible for all costs associated with the procedures ordered hereunder.
- (5) *Permit revocation.* A permit is subject to revocation by the humane officer/CSO upon failure to comply with any provisions of section 4-5. Such revocation is subject to appeal to the village board or designated Committee. Once a permit is revoked, a permit shall not be reissued.
- (6) *Sale of eggs and baby chicks prohibited.* No person may offer to sell eggs or chicks accumulated from the activities permitted hereunder.
- (7) *Non-renewal.* Any violation of this ordinance may be cause for non-renewal of a permit.

(Code 2006, §§ 9.08(4), 12.04(4); Ord. No. 10-2-85, 10-22-1985; Ord. No. O11-1-97, 11-25-1997; Ord. No. O6-1-14, § 1, 6-24-2014; Ord. No. O3-2-16)

4-1-6 Exotic Animals

(A) *Definitions.*

Exotic animal. Exotic animals include, but are not limited to, animals belonging to any or all of the orders and families on the prohibited animal list as adopted by the village board.

Person. Any person, firm, partnership, association, corporation, company, or organization of any kind.

Possess. To own, keep, harbor, bring into the village, act as a custodian, or have custody or control of an animal.

(B) *Village of Ashwaubenon Prohibited Animal List*

The following orders and families, whether bred in the wild or in captivity and any or all hybrids shall be defined as "exotic animals." The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or limit the generality of each group of animals, unless otherwise specified:

(1) *Class Mammalia*

- (a) Order Chiroptera. (Any bat species)
- (b) Order Artiodactyla. (Hippopotamuses, giraffes, camels, deer) Excludes domestic cattle, swine, sheep, goats, alpaca, and llama.
- (c) Order Carnivora.

- (i) Family Felidae. (Lions, tigers, cougars, leopards, ocelots, servals) Excluding domestic cats.
 - (ii) Family Canidae. (Wolves, coyotes, foxes, jackals) Excluding domestic dogs.
 - (iii) Family Ursidae. (All bears)
 - (iv) Family Mustelidae. (Weasels, skunks, martins, minks) Excluding ferrets.
 - (v) Family Procyonidae. (Raccoons, coatis)
 - (vi) Family Hyaenidae. (Hyenas)
 - (vii) Family Viverridae. (Civets, genets, mongooses)
- (d) Order Edentalia. (Anteaters, armadillos, sloths)
 - (e) Order Marsupialia. (Opossums, kangaroos, wallabies, sugar gliders)
 - (f) Order Perissodactyla. (Rhinoceroses, tapirs) Excluding horses, donkeys and mules.
 - (g) Order Primates. (Lemurs, monkeys, chimpanzees, gorillas)
 - (h) Order Proboscidae. (Elephants)
 - (i) Order Rodentia. (Squirrels, beavers, porcupines, prairie dogs) Excluding guinea pigs, rats, mice, gerbils, and hamsters.
- (2) *Class Reptilia*
- (a) Order Squamata.
 - (i) Family Helodermatidae. (Gila monsters and Mexican beaded lizards)
 - (ii) Family Varanidae. (Any monitor which will normally grow over two feet in length)
 - (iii) Family Iguanidae. (Only green iguanas and rock iguanas)
 - (iv) Family Boidae. (All species whose adult length may exceed eight feet)
 - (v) Family Colubridae. (Boomslangs and African twig snakes)
 - (vi) Family Elapidae. (Coral snakes, cobras, mambas)
 - (vii) Family Nactricidae. Only keelback snakes.

(viii) Family Viperidae. (Copperheads, cottonmouths, rattlesnakes)

(b) Order Crocodilia. (Crocodiles, alligators, caimans, gavials)

(3) *Class Aves*

(a) Order Falconiformes. (Eagles, hawks, vultures)

(b) Order Rheiformes. (Rheas)

(c) Order Struthioniformes. (Ostriches)

(d) Order Casuariiformes. (Cassowaries and emus)

(e) Order Strigiformes. (Owls)

(4) *Class Arachnida*

(a) Order Scorpiones, Family Buthidae.

(i) Arabian fat-tailed scorpion - *Androctonus crassicauda*

(ii) Arizona centruroides scorpion - *Centruroides exilicauda*

(iii) Death stalker - *Leiurus quinquestriatus*

(iv) Egyptian yellow scorpion - *Androctonus amoreuxi*

(v) Israeli black scorpion - *Hottentotta judaicus*

(vi) S.A. giant fat-tailed scorpion - *Parabuthus transvaalicus*

(vii) Sinai desert scorpion - *Androctonus bicolor*

(viii) Yellow desert scorpion - *Androctonus Australia*

(b) Order Araneae, Family Therididae.

(i) Argentina red widow spider - *Latrodectus coralinus*

(ii) Brown widow spider - *Latrodectus geometricus*

(iii) Red-black widow spider - *Latrodectus hasselti*

- (iv) Red widow spider - *Latrodectus bishopi*
- (v) Southern black widow spider - *Latrodectus mactans*
- (vi) Western widow spider - *Latrodectus Hesperus*
- (c) Order Araneae, Family Loxoscelidae, Brown recluse spider - *Loxosceles reclusa*.
- (5) *Class Chilopoda*
 - (a) Order Scolopendromorpha, Family Scolopendridae.
 - (i) Amazon giant banded centipede - *Scolopendra gigantea*
 - (ii) Arizona tiger centipede - *Scolopendra viridis*
 - (iii) Florida Keys centipede - *Scolopendra alternans*
 - (6) *Any Federal or State Endangered or Threatened Species*
- (C) *Keeping of Exotic Animals.*
 - (1) *Prohibited.* No person shall possess an exotic animal.
 - (2) *Exceptions.* This subsection shall not apply to institutions accredited by the American Zoo and Aquarium Association, licensed veterinary hospitals or clinics, licensed or accredited research or medical institutions, licensed traveling circus acts, licensed or accredited educational institutions, including museums, any government owned or operated facility, volunteers working on behalf of a government owned or operated facility, or a person temporarily transporting an exotic animal through the village if the transit time is not more than 24 hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.
- (D) *Construction of Animal Structures.* All stables, coops, yards, pens, or other structures wherein any animal is kept shall be constructed so as to be easily cleaned and kept in good repair. The inside and outside of such structures shall be whitewashed or painted as often as necessary to keep them clean or finished with such material as can be easily cleaned. All structures shall be kept clean and sanitary and shall not cause any objectionable odor.
- (E) *Penalty.* Any person who owns, keeps, possesses or harbors an exotic animal without a qualifying exception or an animal other than an exotic animal or animal otherwise licensed pursuant to the Ashwaubenon Municipal Code shall be subject to a forfeiture of not less than \$250.00 nor more than \$1,000.00.

(Ord. No. O11-1-09, § 1, 11-10-09)

4-1-7 Feeding of Deer Prohibited

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.

- (A) *Presumption.* There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding Whitetail Deer:
- (1) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon at the height of less than six feet off the ground.
 - (2) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material.
- (B) *Exceptions.* This section shall not apply to the following situations:
- (1) 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.
 - (2) Naturally growing materials. Naturally growing grain, fruit or vegetable material, including gardens.
 - (3) Bird feeders. Unmodified commercially purchased bird feeders or their equivalent.
 - (4) Deer feeding authorized on a temporary basis by the village board for a specific public purpose as determined by the village board.
 - (5) Counting. Deer feeding may be authorized on a temporary basis by the village board for the purpose of determining the deer population.

(Ord. No. O5-3-13, § 1, 5-28-2013)

Article 2 - Dogs and Cats

4-2-31 License Required

Every person residing in the village who owns a dog or cat which is more than five months of age on January 1 or five months of age within the license year shall annually, prior to April 1 or on or before the date the dog or cat becomes five months of age or within 30 days of acquiring ownership of a licensable dog or cat, obtain a license for such dog or cat.

(Code 2006, §§ 12.01(1)(a), (b), (d), 12.04(1)(a); Ord. No. O11-2-91, 11-19-1991; Ord. No. O6-5-02, 6-25-2002; Ord. No. O8-2-02, 8-13-2002; Ord. No. O8-3-02, 8-13-2002) State law reference— Dog license, Wis. Stats. §§ 174.05 - 174.10.

4-2-32 License Fees

The license fees for neutered male or spayed female dogs or cats will be on file in the village clerk's office. Such license will be issued upon presentation of evidence that the dog or cat is neutered or spayed. The license fees for dogs or cats that are not spayed or neutered will be on file in the village clerk's office. The

license fee for kennels will be on file in the village clerk's office for kennels having 12 or fewer dogs and an additional fee for each dog above 12.

- (A) *Exemption*—Assistance Dogs. Every dog specially trained to lead blind or deaf persons or to provide support for mobility-impaired persons is exempt from the dog license tax and every person owning such a dog shall receive annually a free dog license from the local collecting officer upon application.
- (B) *Same*—Dogs Used for Educational or Scientific Purposes. A license is not required for a dog kept only for educational or scientific purposes.

(Code 2006, §§ 12.01(1)(a), (b), (d), 12.04(1)(b); Ord. No. O8-3-02, 8-13-2002)

4-2-33 Impoundment Fees

The owner of any impounded animal shall pay for the pickup of such animal, the admittance fee, boarding fee and veterinarian bills as set forth in the agreement between the village and the animal shelter contractor. The public safety department shall be responsible for collecting any unpaid fees or charges.

(Code 2006, § 12.01(1)(c); Ord. No. O1-2-97, 6-21-1997; Ord. No. O1-4-00, 1-25-2000)

4-2-34 State Law Adopted

Wis. Stats. ch. 174, pertaining to licensing of dogs, is made part of this Article and incorporated herein by reference.

(Code 2006, § 12.04(1)(c); Ord. No. O8-3-02, 8-13-2002)

4-2-35 Number of Dogs and Cats Limited

- (A) No person shall own, harbor, or keep in his possession more than two dogs and/or two cats, with the exception that a litter of puppies or kittens, or a portion of a litter, may be kept for a period not exceeding eight weeks from birth.
- (B) *Exemption for Service Animals*. Service Animal means a guide dog, signal dog, or other animal that is individually trained or is being trained to do work or perform tasks for the benefit of a person with a disability, including the work or task of guiding a person with impaired vision, alerting a person with impaired hearing to intruders or sound, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
 - (1) Disability means a certified medically diagnosed physical or mental impairment that substantially limits one or more major life activities, a record of having such an impairment or being regarded as having such an impairment. "Disability" does not include the current illegal use of a controlled substance, as defined in Wis. Stats. §961.01(4), or a controlled substance analog, as defined in Wis. Stats. §961.01(4m), unless the individual is participating in a supervised drug rehabilitation program.

(Code 2006, § 12.04(2); Ord. No. O8-3-02, 8-13-2002); Ord. No. O6-2-15, 08-25-15)

4-2-37 Dogs Suspected of Rabies

- (A) *Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.*
- (1) *Quarantine or sacrifice of dog or cat.* A public safety officer or community services specialist shall order a dog or cat quarantined if he 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 public safety officer or community services specialist may kill the animal. The public safety officer or community services specialist may kill a dog or cat only as a last resort or if the owner agrees. The public safety officer or community services specialist shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) *Sacrifice of other animals.* A public safety officer or community services specialist may order killed or may kill an animal other than a dog or cat if the public safety officer or community services specialist has reason to believe that the animal bit a person or is infected with rabies. Except as provided in Wis. Stats. § 95.36, if an animal of a species raised primarily to produce food for human consumption is killed under this subsection, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under Wis. Stats. § 95.31(3). The indemnity shall be paid from the dog license fund.
 - (3) *Sacrifice of a dog or cat upon failure to quarantine.* A public safety officer or community services specialist may order killed or may kill a dog or cat if the owner of the dog or cat violates subsection (b)(1), (2) or (3) of this section.
- (B) *Quarantine of Dog or Cat.*
- (1) *Delivery to Isolation Facility or Quarantine on Premises of Owner.* A public safety officer or community services specialist 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 24 hours after the original order is issued or the public safety officer or community services specialist may order the animal to be quarantined on the premises of the owner if the animal is currently immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. If a public safety officer or community services specialist delivers a dog or orders a dog to be delivered to an isolation facility and the dog is exempt from the requirement to be vaccinated against rabies under Wis. Stats. § 95.21(9)(d), the owner of the dog may choose an isolation facility that is a veterinary hospital.
 - (2) *Health Risk to Humans.* If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has bitten 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, the term "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.
 - (3) *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 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal, unless the animal is exempt from the requirement to be vaccinated against rabies under Wis. Stats. § 95.21(9)(d).
- (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 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 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) *Sacrifice of a 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.

(Code 2006, § 12.04(5); Ord. No. O8-3-02, 8-13-2002)

4-2-38 Vaccination of Dogs Required

- (A) Definitions. The following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Owner shall include any person owning, harboring or keeping a dog in the village.
- (B) Every dog owner shall have any dog five months of age and older inoculated with an antirabic vaccine by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to Wis. Stats. § 453.05(2)(d), at no later than five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the state after the dog has reached five 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 the state or from another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian or, if a veterinarian is physically present at the location the vaccine is administered, by a veterinary technician, pursuant to Wis. Stats. § 453.05(2)(d), before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

- (C) Each veterinarian, after inoculating a dog, shall give a certificate of inoculation to the owner of the dog, who shall mail or deliver a copy to the health officer within five days after inoculation. After issuing the certificate of rabies vaccination, the person who administers the vaccine under Wis. Stats. § 95.21(2)(a), (b) 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 supervising veterinarian. 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; however, this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under Wis. Stats. § 95.21(2)(a), (b).
- (D) No person shall own, harbor or keep any dog which has not been inoculated as provided in this section.
- (E) In addition to the penalties hereafter provided for a violation of this section, any public safety officer, community service specialist, humane officer or health officer of the village may impound any dog which has not been inoculated as required. Such dog shall not be released until proof has been furnished to the police officer, humane officer or health officer that the dog has been inoculated with an antirabic vaccine. After such dog has been so impounded for seven days without having been reclaimed by its owner or anyone in behalf of such owner, the dog shall be destroyed under the direction of a police officer, humane officer or health officer.
- (F) Penalties. Any person that violates this section shall be subject to a forfeiture of not less than \$200.00 nor more than \$1,000.00

(Code 2006, § 12.04(6); Ord. No. O8-3-02, 8-13-2002)

4-2-39 Impounding

- (A) Any public safety officer, community service specialist, humane officer or health officer may impound in the animal shelter any dog found in violation of this article.
- (B) Notice of impounding shall be given to the owner of the dog, if known, by the person or officer in possession of the dog, within 24 hours of impounding.
- (C) Any person, public safety officer, community service specialist, humane officer or health officer who shall kill or impound any dog shall make a report to the village clerk stating when and under what conditions he seized, killed or impounded such dog and the owner's name, if known.
- (D) For impounding and taking care of impounded dogs, the fees which are on file in the village clerk's office shall be allowed.
- (E) Any person wishing to reclaim an impounded dog from the animal shelter shall pay the charges against such dog.

- (F) Any dog not claimed within seven days may be disposed of by the village or given, upon payment of the fees imposed for the impounding of such animal, to any person wishing to accept such animal.

(Code 2006, § 12.04(7); Ord. No. O8-3-02, 8-13-2002)

4-2-40 Enforcement

The provisions of this section shall be enforced by the animal control/humane officer.

- (A) *Position.* The director of public safety shall be responsible for the supervision and direction of the animal control/humane officer.
- (B) *Powers and Duties.* The animal control/humane officer shall perform those duties as directed by the director of public safety and shall have those powers as set forth in Wis. Stats. ch. 173 and Village of Ashwaubenon ordinances relating to animals. Wis. Stats. ch. 173 is hereby adopted and incorporated herein by reference as amended from time to time.
- (C) *Citations.* The animal control/humane officer shall have the authority to enforce and implement all animal related ordinances in the Village of Ashwaubenon and issue citations to individuals violating those ordinances.

(Ord. No. O1-01-08, § 2, 1-8-2008)