

## Title 7 ► Chapter 1

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# Licensing of Dogs and Cats; Regulation of Animals

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## Sec. 7-1-1 Definitions.

- (a) **Definitions.** In this Chapter, unless the context or subject matter otherwise require, the following definitions shall be applicable; in addition, the definitions contained in Sections 7-1-7 shall also be applicable:
- (b) **Animal.** Mammals, reptiles and birds.
- (1) **Animal Control Authority.** The persons and entities responsible for enforcement of the animal control laws of the Village of Fall River, or such person as is designated by the Village, whether acting alone or in concert with other responsible persons and/or local governmental units.
  - (2) **Animal Control Officer.** Any individual employed, contracted with, or appointed by the Village of Fall River for the purpose of aiding in the enforcement of this Chapter.
  - (3) **At large.** To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog, cat or other animal within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog, cat or other animal shall be deemed to be upon the owner's premises. A dog, cat or other animal is not at large if it is in the presence of its owner, is fully controlled, is trained and is in a public park or other public recreational area. [See Sec. 7-1-6(b) standards for leash control].
  - (4) **Bodily Harm.** Bodily injury including, but not limited to, a bruise, abrasion, scratch, bite mark, puncture, laceration, any fracture of a bone, a concussion, a loss or fracture of a tooth or any temporary loss of consciousness, sight or hearing.
  - (5) **Caretaker.** Any person who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog, cat or any other domesticated bird or animal.
  - (6) **Cat.** Any feline, regardless of age or sex.
  - (7) **Confined.** Restriction of an animal at all times by the owner to an escape-proof building.
  - (8) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death. Additionally, it shall be unlawful to tease, annoy, disturb, molest or irritate an animal that is confined to the owner's property.
  - (9) **Dangerous Animal.** Means any of the following:
    - a. Any animal which, when unprovoked, inflicts bodily harm on a person, domestic pet or animal on public or private property.
    - b. Any animal which repeatedly chases or approaches persons in a menacing fashion or apparent attitude of attack, without the permission of the owner or person in lawful control of the property.
    - c. Any animal with a known propensity, tendency or disposition to attack, to cause injury to, or otherwise threaten the safety of humans or other domestic animals.
  - (10) **Dog.** Any canine, regardless of age or sex.
  - (11) **Dog Pack.** A group of two (2) or more dogs running upon either public or private property not that of their owner, in a state in which either their control or ownership

- is in doubt or cannot readily be ascertained, and when such dogs are not restrained or controlled.
- (12) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (13) **Kennel.** An establishment where dogs are bred, trained or boarded and where more than three (3) dogs are kept.
  - (14) **Law Enforcement Officer.** Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
  - (15) **Molest.** Excessive barking, running up to or charging, threatening, jumping on or otherwise harassing people or other domestic animals or the passing public that are in the public right-of-way or on public property, or on their own property or property of anyone other than the owner or custodian of the animal.
  - (16) **Neutered.** A dog or cat having nonfunctional reproductive organs.
  - (17) **Owner.** Any person owning, harboring, having an interest in, having control or custody of, or keeping a dog, cat or other animal and/or the occupant or caretaker of any premises on which a dog, cat or other animal remains or to which it customarily returns daily for a period of five (5) or more consecutive days; such person is presumed to be harboring or keeping the dog, cat or other animal within the meaning of this Section.
  - (18) **Pet.** An animal kept and treated as a domesticated or household pet.
  - (19) **Residential Lot.** A parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted and under common ownership. For the purpose of this Chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
  - (20) **Restrain.** Includes notifying the dog or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.
  - (21) **Serious Bodily Harm.** Bodily harm which causes death, creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury requiring medical care or treatment.
  - (22) **Service Animal.** Any guide dog, signal dog, or other animal individually trained to do work or perform tasks for the benefit of an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items.
  - (23) **Stray or Abandoned Animal.** Any animal whose owner or custodian remains unidentified after a period of seven (7) days.
  - (24) **Untagged.** Not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

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

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

- (a) **Rabies Vaccination.** The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within thirty (30) days after the dog or cat reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the Village of Fall River after the dog or cat has reached four (4) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat is brought into the Village of Fall River unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village of Fall River stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village of Fall River.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog or cat at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog or cat securely confined indoors or to a dog or cat 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 or cat which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

## Sec. 7-1-3 Issuance of Dog, Cat, and Multiple-Dog (Kennel) Licenses.

### (a) Dog or cat Licenses.

- (1) **License Requirement.** It shall be unlawful for any person in the Village of Fall River to own, harbor or keep any dog or cat more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.
- (2) **Owner's Responsibility to Obtain License.** The owner of any dog or cat more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog or cat becomes five (5) months of age, pay a license tax and obtain a license.
- (3) **Dog License or Cat License Tax.** The minimum State license tax under this Section shall be charged in accordance with Sec. 174.05, Wis. Stats., as amended. An additional Village tax pursuant to Sec. 174.05, Wis. Stats., shall be paid on each dog or cat license issued and the amount of Village tax shall not exceed the total cost of all dog or cat licensing, regulating and impounding activities for the previous year, less any refund which may be received under Sec. 174.09(2), Wis. Stats. The license year commences on January 1 and ends on the following December 31. The dog or cat license tax under this Section shall be:
  - a. Neutered males and spayed females: As prescribed in Section 1-3-1.
  - b. Unneutered males and unspayed females: As prescribed in Section 1-3-1.
- (4) **Proof of Rabies Vaccination; License Issuance.** Upon payment of the required license tax and upon presentation of evidence that the dog or cat is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog or cat containing all information required by state law. The Village Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) **License Tag.**
  - a. The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog or cat for which the license is issued at all times, except as provided in Section 7-1-2(e).
  - b. The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any law enforcement or humane officer may seize, impound or restrain any dog or cat for which a dog or cat license is required which is found without such tag attached.

### (b) Multiple Dog Kennel Licenses.

- (1) **License Requirement.** Any person who keeps more than three (3) dogs shall, instead of the license tax for each dog required by this Chapter, apply for a multiple dog

license for the keeping of the dogs. Such person shall pay for the license year a license tax as prescribed in Section 1-3-1 for twelve (12) or fewer dogs and an additional fee for each dog in excess of twelve (12). Upon payment of the required multiple dog license tax and, if required by the Village, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Clerk-Treasurer shall issue the multiple dog license and a number of tags equal to the number of dogs authorized to be kept. Multiple dogs may only be located in residential areas following a public hearing and approval by the Village Board; the Village Board may attach conditions to such approval as a conditional use under the Village's Zoning Code. (See also Section 7-1-21).

- (2) **License Tag; Exceptions.** The owner or keeper of multiple dogs shall keep at all times a multiple dog license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a multiple dog license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area.
  - (3) **Confinement/Leash Requirement.** No dog bearing a multiple dog tag shall be permitted to stray or to be taken anywhere outside the limits of the owner's premises unless the dog is on a leash or temporarily unconfined/unleashed for the purposes of hunting, breeding, trial, training or competition.
  - (4) **Multiple Dog Definition.** The term "multiple dog" means any establishment wherein or whereon three (3) or more dogs are kept.
  - (5) **Humane Dog Treatment Requirement.** No multiple dog license shall be issued to the keeper or operator of multiple dogs who fails to provide proper food and drink and proper shelter for the dogs or who neglects or abandons said dogs. Designated officials shall investigate any complaints regarding the failure to maintain proper standards or investigate any multiple dog premises upon his/her own initiative. Expressly incorporated by reference in this Section as minimum standards for multiple dog keepers or operators are the relevant provisions of Ch. 174, Wis. Stats.
  - (6) **Inspection Consent.** A condition of a multiple license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any multiple dog license be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to Village ordinances.
- (c) **Exemption for Leader Dogs and Service Animals.**
- (1) **Service Animals.** Notwithstanding the foregoing, all service animals specifically trained to work or perform tasks for the benefit of an individual with a disability are exempt from the licensing tax and every person owning such dog shall receive

annually a dog license from the Village Clerk-Treasurer at no charge upon proper application thereof and proper vaccination required in Subsection (a)(4).

- (2) **Leader Dogs.** Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the licensing tax and every person owning such dog shall receive annually a dog license from the Village Clerk-Treasurer at no charge upon proper application therefor and proof of rabies vaccination required in Subsection (a)(4).

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

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

The Village Clerk-Treasurer shall assess and collect a late fee of Ten Dollars (\$10.00) from every owner of a dog or cat five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. Said late fee shall be charged in addition to the required license fee.

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

(a) **Area-Wide Rabies Quarantines.**

- (1) **Area Confinement Order.** If a district is quarantined for rabies, all dogs, cats or ferrets within the Village of Fall River shall be kept securely confined, tied, leashed or muzzled. Any dog, cat or ferret 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 (3) 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 (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.

(b) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**

- (1) **Quarantine or sacrifice.** A law enforcement or animal control officer shall order a dog, cat or ferret 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, cat or ferret cannot be captured or

such animal exhibits actual signs of rabies, 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. No person shall interfere with Village of Fall River authorities or agents in carrying out their duties in this regard. All expenses thus incurred shall be paid by the owner or the person having custody of such dog, cat or ferret.

(2) ***Sacrifice of other animals.***

- a. An officer may order killed or may kill an animal other than a dog, cat or ferret if the officer has reason to believe that the animal bit a person or is infected with rabies.
- b. Any domesticated wild animal that has bitten any person, inclusive of, but not limited to, wolf-dog hybrids, skunks and raccoons, shall be immediately destroyed by a licensed veterinarian and the proper specimen from the animal tested for rabies by the State Laboratory of Hygiene. All expenses connected therewith shall be charged to the owner or custodian of the animal.

(c) **Quarantine Procedures.**

- (1) ***Vaccinated Animal Bite Incidents.*** Any dog, cat or ferret which has bitten any person, and whose owner shows evidence of a current rabies inoculation, shall be quarantined at such place as designated by law enforcement or health authorities for a minimum period of ten (10) days. The dog, cat or ferret shall be examined by and under the supervision of a licensed veterinarian within twenty-four (24) hours of a quarantine notice and again on the tenth (10th) day after the incident, and a minimum of one (1) additional examinations in between. If, in the opinion of law enforcement or health authorities, the vaccinated animal cannot be confined securely at the residence of its owner or custodian, or exhibits signs of illness as determined by a licensed veterinarian, the dog, cat or ferret shall be quarantined at a veterinary hospital under the supervision of a licensed veterinarian.
- (2) ***Unvaccinated Animal Bite Incidents.*** Any dog, cat or ferret which has bitten any person and which does not display evidence of rabies inoculation shall be quarantined within twenty-four (24) hours of the quarantine order at a veterinary hospital under the supervision of a licensed veterinarian for a minimum of ten (10) days. "Supervision of a licensed veterinarian" includes, at a minimum, examination of the animal on the first day of isolation and on the last day of isolation. If the veterinarian certifies that the dog, cat or ferret has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period. After such period of time, such veterinarian shall report his/her determination or findings thereof in writing.
- (3) ***Risk to Animal Health Due to Suspected Exposure to a Rabid Animal.***
  - a. If a dog, cat or ferret 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, cat or ferret 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, cat or ferret 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, cat or ferret 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.
  - c. No person shall keep or harbor any dog or other domesticated animal, whether licensed or not, which is known to be, or when there is good reason to believe the same to be, mad, rabid, vicious or dangerous to the public.
- (4) ***Destruction of an Animal Exhibiting Symptoms of Rabies.*** If a veterinarian determines that a dog, cat, ferret or other animal 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, cat, ferret or other animal is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
  - (5) ***Law Enforcement Dog Exception.*** The quarantine requirements of this Subsection do not apply to a dog used by a law enforcement agency and which bites a person while the dog is performing law enforcement functions if the dog is immunized against rabies as evidenced by a valid certificate of rabies vaccination or other evidence. The agency shall make the dog available for examination at any reasonable time. The law enforcement agency shall notify the local health authorities if the dog exhibits any abnormal behavior.
- (d) ***Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.*** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall 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 State Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Village of Fall River, 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.
  - (e) ***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 of Fall River, the Laboratory of Hygiene, the applicable health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

- (f) **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.
- (g) **State Laws Adopted by Reference.** The provisions of Sec. 95.21 and Chs. 173 and 174, Wis. Stats., insofar as the same are applicable and exclusive of penalties, are incorporated by reference and made a part of this Section with the same force and effect as those set forth verbatim herein. Any amendments to those sections shall be adopted by reference as if they were fully set forth herein.

*State Law Reference:* Secs. 95.21 and 174.02(3), Wis. Stats.

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

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Fall River to own, harbor or keep any dog or cat which:
  - (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
  - (2) Molests people, domestic animals, or passing vehicles.
  - (3) Attacks persons or domestic animals without provocation when such persons or domestic animals are peacefully conducting themselves in a place where they are lawfully entitled to be.
  - (4) Is repeatedly at large within the limits of the Village of Fall River.
  - (5) Is at large on school grounds, parks or cemeteries in violation of Village ordinances.
  - (6) Damages private or public property.
  - (7) Does not have the current vaccination as required by Section 7-1-2.
  - (8) Habitually barks or howls to the annoyance of any reasonable person or persons in an excessive, continuously or untimely manner. (See Section 7-1-15.)
  - (9) Kills, wounds or worries any domestic animal.
  - (10) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
  - (11) In the case of a dog or cat, is unlicensed.
  - (12) Is tied or leashed in a manner that prohibits or impairs the reading of utility meters.
  - (13) Is permitted by its owner to run in dog packs.
- (b) **Unleashed Dogs or Other Animals Running at Large.**
  - (1) No owner, keeper, harbinger or caretaker of any dog or other animal shall permit the same to be unleashed or unrestrained at any time said dog or other animal is not on the owner's, keeper's, harbinger's, or caretaker's property or premises and which is upon any public street, alley, right-of-way or any school ground, public park, cemetery or other public or private property without the permission of the owner or occupier of the property.

- (2) A dog or other animal which is leashed or otherwise restrained by any device that is less than ten (10) feet in length, which is of sufficient strength to restrain and control said dog or other animal, and is held by a person competent to govern and control said animal, who has obtained the age of ten (10) years or more, and is able to prevent said dog or animal from annoying or worrying pedestrians or from trespassing on private or public property. Furthermore, a dog or other animal is not unleashed or uncontrolled and at large if it is properly restrained within a motor vehicle.
  - (3) A service animal (as defined in Section 7-1-1) shall not be considered running at large whether or not the animal is on a leash if the animal is in the immediate company of the owner or immediately responds and obeys (e.g. a dog playing a game of "fetch" in a field or walking alongside its owner, a member of the owner's immediate family or the assisting individual of the service animals' owner).
  - (4) Any person or entity who violates this Subsection (b) shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00), together with any impoundment costs under Section 7-1-8.
- (c) **Owner's Liability for Damage Caused by Dogs or Other Animals; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs and other animals together with the penalties therein set forth are hereby adopted and incorporated herein by reference.
- (d) **Dogs Restricted on Public Grounds and Cemeteries.** No dog shall be permitted in any public playground, public park, or swimming area within the Village of Fall River unless leashed and under the control of its handler. Dogs and cats are prohibited from being in cemeteries and on school grounds. All service animals shall be exempt from this Section. Dogs are prohibited from urinating or defecating on any public playground area.
- (e) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs, together with the penalties therein set forth, are hereby adopted and incorporated herein by reference.

## **Sec. 7-1-7 Vicious and Potentially Dangerous Dogs and Animals; Potentially Dangerous Dog Supplemental License.**

- (a) **Definitions.** The following definitions shall be applicable in this Section:
- (1) **Vicious Dog or Other Animal.** Any dog or other animal that:
    - a. Bites or inflicts serious injury on a human being or a domestic animal without provocation on public or private property. (If the dog or other animal inflicts serious injury in a manner other than biting, said dog or other animal shall also be deemed and presumed to be vicious under this Section);
    - b. On two (2) separate occasions within the immediate prior thirty-six (36) month period, has killed, seriously bitten, or otherwise caused serious injury to a domestic animal off the property of the owner or keeper of the dog;
    - c. Has been previously found to be potentially dangerous, the owner having received notice of such, and the dog again aggressively bites, attacks or endangers the safety of humans or domestic animals;

- d. Is owned or harbored primarily, or in part, for the purpose of dog fighting or any dog trained for dog fighting;
- e. Is a "potentially dangerous dog", as defined in this Section, that has been permitted or allowed to run free and unrestrained off the property of its owner;
- f. Has been brought from another city, village, town or county that has been declared dangerous or vicious by that jurisdiction; or
- g. Has, since the effective date of this Section, demonstrated a propensity, tendency, or disposition to attack unprovoked, to cause injury, or otherwise to threaten the safety of humans or domestic animals.

(2) **Potentially Dangerous Dog or Other Animal.**

- a. Any dog or other animal which, when unprovoked, on two (2) separate occasions within the immediate prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog. Such behavior would include situations when the dog or other animal, when unprovoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property.
- b. Any dog or other animal which, when unprovoked, bites a person, causing a less severe injury than is defined in Subsection (a)(1) above.

(3) **Serious Injury.** Shall be defined as any abrasions, bruising, cuts, broken bones, lacerations, internal injuries, torn or pulled ligaments or muscles, head injuries, or any other such similar condition.

(4) **Proper Enclosure of a Dangerous Dog.** While on the owner's property, a dangerous dog shall be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen or structure shall have secure sides and a secure top, and shall also provide protection from the elements for the dog.

(b) **Vicious Dogs Prohibited.** No person shall harbor, keep or maintain within the Village of Fall River any vicious dog or other animal. Any dog or other animal alleged to be vicious by virtue of an attack upon a human being or domestic animal shall be impounded as directed by the authorities until disposition of the charge issued by citation. Moreover, the owner of any dog or other animal found to be vicious in the trial of the charge of harboring a vicious dog or other animal, or by plea to such a charge, shall be prohibited from returning that dog or other animal to the Village of Fall River.

(c) **Penalty for Keeping Vicious Dogs or Animals in Violation of Subsection (b).**

- (1) **Forfeiture.** Any person convicted of violating Subsection (b) above shall pay a forfeiture of Five Hundred Dollars (\$500.00) together with all costs and assessments. Each day that a person owns, harbors, keeps, maintains or cares for any vicious dog or other animal in violation of this Section may be deemed a separate and distinct violation, subject to separate citations and convictions. Furthermore, any violation of

Subsection (b) above shall result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the Village of Fall River, or any law enforcement or animal control officer of any jurisdiction authorized by the Village of Fall River to enforce or effectuate the Village of Fall River's ordinances.

- (2) **Impoundment.** In the event that any vicious dog or animal has been impounded, said dog's or animal's owner shall be required to make arrangements to have said animal removed from the corporate limits of the Village of Fall River within seven (7) days of impoundment. In the event any impounded animal has not had arrangements made to remove said animal from the corporate limits of the Village of Fall River within said seven (7) day period, any law enforcement officer or animal control officer for the Village of Fall River shall be authorized to destroy said animal.
- (d) **Restrictions and Rules Regarding Potentially Dangerous Dogs or Animals.**
- (1) **Hearing.** If a law enforcement or animal control officer for the Village of Fall River (or any other law enforcement agency having jurisdiction and authority to enforce this Section), has investigated and determined that there exists probable cause to believe that a dog or other animal which is owned, harbored, kept or cared for within the Village of Fall River corporate limits is potentially dangerous as that term is defined herein, a law enforcement officer or animal control officer for the Village of Fall River or his/her designee, shall petition the Village Board for the Village of Fall River, for a hearing for the purpose of determining whether or not the dog or other animal in question, should be declared potentially dangerous. Whenever possible, any complaint received from a member of the public which serves as part of the evidentiary basis for the animal control officer or law enforcement officer to find probable cause, shall be sworn to and verified by the complainant and shall be attached to the aforementioned petition. Notice of the hearing before the Village Board shall be given to the owner, caretaker or keeper of the dog or animal in question no less than seven (7) days prior to said hearing, with said notice, together with a copy of the petition, and all sworn complaints to be either served personally, or by first class mail with return receipt requested. All hearings under this Section shall be open to the public.
  - (2) **Hearing Body.** The hearing body, which shall be the Village Board for the Village of Fall River, may admit all relevant documents and testimony into evidence including incident reports and affidavits of witnesses, photographs, and personal testimony. The Village Board, or designated alternative body, shall be the exclusive trier of the issue of whether a dog or other animal is determined to be potentially dangerous. For the Village Board of the Village of Fall River to determine that a dog or other animal is potentially dangerous, there must be a preponderance of the evidence to establish the same.
  - (3) **Appeals.** Any owner, harbinger, keeper, caretaker, or other interested party who is aggrieved by any decision of the Village Board, or designated alternative body, under

this Section shall have the right to appeal the same by filing an action for certiorari with the Circuit Court no more than fifteen (15) days from the date that said aggrieved person had received written notice of the Village Board's decision on whether a dog or other animal is potentially dangerous under this Section.

- (4) **Notice of Determination; Compliance.** After the hearing conducted pursuant to Subsection (d)(1)-(2) above, the owner, keeper, harbinger or caretaker of the dog or other animal shall be notified in writing of the determination and orders issued, either personally or by first class mail return receipt requested. If a determination is made that a dog or other animal is potentially dangerous as herein provided, the owner, keeper, harbinger or caretaker shall comply with Subsections (d)(6)-(8) and in accordance with the time schedule established by the chief law enforcement officer or animal control officer of the Village of Fall River, or designee, but in no case more than thirty (30) days after the date of the determination, or thirty-five (35) days if the notice of the determination is mailed to the owner, keeper, harbinger or caretaker of the dog or other animal.
- (5) **Affirmative Defenses; Exceptions.**
  - a. No dog or other animal may be declared potentially dangerous if any injury or damage is sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner, keeper, harbinger or caretaker of the dog or other animal, or was teasing, tormenting, abusing, or assaulting the dog or other animal, or was committing or attempting to commit a crime.
  - b. No dog or other animal may be declared potentially dangerous if the dog or other animal was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.
  - c. No dog or other animal may be declared potentially dangerous if an injury or damage was sustained by a domestic animal which, at the time of the injury, or damage was sustained, was teasing, tormenting, abusing or assaulting the dog or other animal.
  - d. No dog or other animal may be declared potentially dangerous if the injury or damage to a domestic animal was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of or under the control of its owner, keeper, harbinger or caretaker, and the damage or injury was to a species or type of domestic animal appropriate to the work of the dog.
  - e. No dog or other animal may be declared potentially dangerous if the injury or damage to another domestic animal was sustained while on the property or premises of the owner, harbinger, keeper or caretaker of the dog or other animal, and the injured domestic dog or animal was upon the property not owned or maintained by the owner of the injured or damaged domestic animal.
  - f. No dog or other animal may be declared dangerous or prohibited dangerous for acts committed by the animal while being utilized by a law enforcement agency

for law enforcement purposes while under the control and direction of a law enforcement officer.

- (6) **Licensing and Vaccination Requirements; Potentially Dangerous Dog Supplemental License.** All potentially dangerous dogs or other animals shall be properly licensed and vaccinated. The licensing authority for the Village of Fall River shall include the potentially dangerous designation in the registration records of the dog, either after the owner or keeper of the dog has agreed to the designation or the Village Board, after hearing, has determined the designation applies to the dog. The Village of Fall River may charge a potentially dangerous dog fee in addition to the regular licensing fee as to provide for the increased cost of maintaining the records of the dog.
  - (7) **Fencing and Restraint Requirements.** A potentially dangerous dog or other animal, while on the owner's property, shall, at all times, be kept indoors or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. A potentially dangerous dog or other animal may be off the owner's premises only if it is restrained by a substantial leash, of appropriate length, and muzzled, and if it is under the control and supervision of a responsible adult while being restrained by said leash and muzzle.
  - (8) **Notice Upon Death or Relocation of Animal.** If a potentially dangerous dog or other animal dies, or is sold, transferred or permanently removed from the Village of Fall River where the owner, harbinger, keeper or caretaker so resides, said person who owns, keeps, harbors, or caretakes a potentially dangerous dog or other animal shall notify the Village of Fall River or the animal control officer of the change in condition or new location of the potentially dangerous dog or other animal in writing within forty-eight (48) hours of said dog or other animal's removal.
- (e) **Penalty for Violations of Subsection (d)(1).**
- (1) **Forfeiture.** Any person or entity convicted of violating Subsection (d) shall pay a forfeiture of Two Hundred Fifty Dollars (\$250.00), together with all costs and assessments. Each day that a person owns, harbors, keeps, maintains or cares for any potentially dangerous dog or other animal in violation of Subsection (d) may be deemed separate and distinct violations, subject to separate citations and convictions.
  - (2) **Impoundment.** Furthermore, any violation of Subsection (d) shall result in a further penalty of having the subject animal or dog impounded by any law enforcement or animal control officer of the Village of Fall River, or any law enforcement or animal control officer of any jurisdiction authorized by the Village of Fall River to enforce or effectuate the Village of Fall River's ordinances, may impound any dog or other animal which is subject to this Section. In the event that any restricted or prohibited animal or other vicious or potentially vicious animal or dog has been impounded, said dog's or animal's lawful owner shall be required to make arrangements to have said animal removed from the corporate Village of Fall River limits within seven (7) days of impoundment. In the event any impounded animal has not had arrangements made

to lawfully remove said animal from the corporate Village limits within said seven (7) day period, any law enforcement officer or animal control officer for the Village of Fall River shall be authorized to destroy said animal.

## **Sec. 7-1-8 Impoundment of Animals.**

### **(a) Animal Control Agency.**

- (1) The Village of Fall River may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals and for assisting in the administration of rabies vaccination programs.
- (2) The Village of Fall River does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.

### **(b) Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, a law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his/her possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village of Fall River for any damages it sustains for improper or illegal seizure.

### **(c) Claiming Animal; Disposal of Unclaimed Animals.**

- (1) **Seizure.** A law enforcement officer or any animal control officer appointed by the Village Board may attempt to capture and restrain dogs or other animals running at large or otherwise in violation of this Chapter, and shall confine and capture or restrain animals in a suitable dog pound or other enclosure. After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded.
- (2) **Retention and Disposition of Unclaimed Animals.** All dogs or other animals apprehended may be kept for a reasonable number of days at the animal pound or other enclosure and if such animal is not claimed by the rightful owner, representative or keeper within such time, said animal shall be disposed of at the discretion of the Police Department in accordance with the Wisconsin Statutes.
- (3) **Notification.** A person who captures or restrains a dog or other animal shall notify or deliver the dog or other animal to the humane society or to any officer within



- twelve (12) hours of capture or restraint. Any law enforcement or other Village official to whom a dog or other animal is delivered shall attempt to notify the owner as soon as possible if the owner is known or can be ascertained with reasonable effort.
- (4) **Claiming Animals.** The owner or representative, or keeper of any dog or other animal so confined may reclaim such animal from the detention shelter at any time before transmittal to the humane society, if:
- a. The owner, representative or keeper gives his/her name and address.
  - b. The owner, representative or keeper presents evidence that the dog is licensed and presents evidence that the dog is vaccinated against rabies, or a receipt from a licensed veterinarian for repayment of a rabies inoculation.
  - c. The owner, representative or keeper pays the cost of apprehending, boarding fees, necessary medical treatment and impounding fees, if any.
- (5) **Payment of Costs.** Payment of costs and charges shall be made to the Village of Fall River. Upon identification of the owner of a dog or other animal so apprehended or confined, all Village costs and charges shall be billed to said owner.
- (d) **Sale of Impounded Animals.** If the owner does not reclaim the animal within seven (7) days, the animal control officer may sell the animal to any willing buyer.
- (e) **Village Not Liable for Impounding Animals.** The Village of Fall River and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

### **Sec. 7-1-9 Duty of Owner in Case of Animal Bite.**

Every owner or person harboring or keeping a dog, cat, ferret or other domesticated animal who knows that such dog, cat, ferret or other domesticated animal has bitten any person shall immediately report such fact to the Village of Fall River Police Department, or other animal control enforcement authority, and shall keep such dog, cat, ferret or other domesticated animal confined for not less than ten (10) days or for such period of time as directed. The owner or keeper of any such dog, cat, ferret or other domesticated animal shall surrender the dog, cat, ferret or other domesticated animal to a law enforcement or humane officer upon demand for examination.

### **Sec. 7-1-10 Wolf/Dog Hybrid Regulation and Confinement.**

- (a) **Definitions.** A "wolf/dog hybrid" is defined as any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote jackal or dingo or resulting from the mating of any wolf/dog hybrid and another wolf/dog hybrid or a domesticated dog. As used herein:
- (1) **Canine Animal.** Includes all members of the family *canidae* except foxes.

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- (2) **Domesticated Dog.** *Canis familiaris*.
- (3) **Wolf.** Includes both *canis lupus* and *canis niger*.
- (4) **Coyote.** *Canis latrans*.
- (5) **Jackal.** *Canis Aurens*.
- (6) **Dingo.** *Canis dingo*.
- (b) **Prohibition on Wolf/Dog Hybrids.** No person shall harbor, keep or maintain within the Village of Fall River any wolf/dog hybrid. This prohibition shall not apply to animals being transported through the limits of the Village of Fall River within a one (1) hour period of time.
- (c) **Removal; Impoundment.** Whenever any person is charged with harboring, keeping or maintaining a wolf/dog hybrid in the Village of Fall River shall remove said animal from the Village of Fall River until a trial on the citation. If said animal has not been so removed within forty-eight (48) hours of the service of the citation, the said animal may be impounded as directed by Village authorities until the trial on the citation. In that case, the owner of any such animal shall pay all expenses incurred due to such impoundment, including but not limited to the cost of shelter, food, handling and veterinary care.

## **Sec. 7-1-11 Pit Bulls and Other Dangerous Animals.**

- (a) **Keeping of Certain Animals Prohibited.** It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Fall River:
  - (1) **Exotic Animals.** Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats are prohibited unless kept in accordance with Section 7-1-12.
  - (2) **Poisonous Animals.** Any animal having poisonous bites.
  - (3) **Pit Bull-Type Dogs.** Any pit bull dog presently registered with the Village on the date this Section originally came into effect (October 7, 2007) may be kept within the Village subject to the standards and requirements set forth in Subsection (b) of this Section. "*Pit bull dog*" as that term is used in this Section is defined to mean:
    - a. The Staffordshire bull terrier breed of dog;
    - b. The American pit bull terrier breed of dog;
    - c. The American Staffordshire terrier breed of dog;
    - d. Any dog which has the appearance and characteristic of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds. In the event an owner disputes the breed of the dog, the Chief of Police may, at the cost of the owner, have the dog examined by a veterinarian chosen by the Chief of Police to determine the breed or the predominant appearance or characteristic of the dog.
- (b) **Keeping of Registered Pit Bull Dogs.** The provisions of Subsection (a) are not applicable to owners, keepers or harborers of pit bull dogs registered with the Village of Fall River keeping, owning or harboring of such dogs, subject to the following conditions.

- (1) **Leash and Muzzle.** No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a registered pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all registered pit bull dogs on a leash outside the animal's kennel or pen must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
- (2) **Confinement.** All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel except when leashed and muzzled as provided in Subsection (b)(1). All pens or kennels shall comply with all zoning, building and health regulations of the Village and shall be kept in a clean and sanitary condition.
- (3) **Confinement Indoors.** No registered pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition.
- (4) **Insurance.**
  - a. All owners, keepers or harborers of registered pit bull dogs shall within ten (10) days of the original effective date of this Section provide proof to the Clerk-Treasurer of public liability insurance in the amounts of:
    1. Five Hundred Thousand Dollars (\$500,000) for bodily injury or death to any one person with the limit, however, of One Million Dollars (\$1,000,000) for bodily injury or death resulting from any one incident/accident; and
  - b. The Village of Fall River shall be named as an additional named insured under such insurance and a copy of the current in-force policy shall be deposited with the Clerk-Treasurer. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the Clerk-Treasurer.
- (5) **Registration.** All owners, keepers or harborers of registered pit bull dogs shall within thirty (30) days after the original effective date of this Section register said dog with the Village by filing with the Village Clerk-Treasurer two (2) color photographs of the dog clearly showing the color and approximate size of the dog. There shall be a registration fee as prescribed in Section 1-3-1.
- (6) **Reporting Requirements.** All owners, keepers or harborers of registered registered pit bull dogs shall within ten (10) days of the incident, report the following information in writing to the Village Clerk-Treasurer:
  - a. The removal from the Village or death of a registered registered pit bull dog;
  - b. The birth of offspring of a registered registered pit bull dog;
  - c. The new address of a registered registered pit bull dog should the dog be moved within the Village of Fall River.
  - d. If the registered registered pit bull dog is sold, the name and address of the new owner.

- (7) **Animals Born of Registered Pit Bull Dogs.** All offspring born of registered registered pit bull dogs registered within the Village must be removed from the Village within six (6) weeks after the birth of said animal.
- (8) **Failure to Comply.** It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the Village to fail to comply with the requirements and conditions set forth in this Section.

## **Sec. 7-1-12 Keeping Of Exotic Animals; Protected Animals, Fowl, Reptiles and Insects.**

(a) **Intent.**

- (1) **Purpose.** It is the purpose and intent of the Village of Fall River in adopting this Section to protect the public safety, health and general welfare from the safety and health risks that the unregulated keeping or harboring of exotic animals can pose to the community and to protect the health and welfare of permitted exotic animals held in private possession. By their very nature, exotic animals are wild and potentially dangerous, and, typically, do not adjust well to a captive environment. This Section shall be liberally construed in favor of the Village's right and authority to protect the public health, safety and welfare.
- (2) **Prohibition.** It shall be unlawful for any person to own, possess, maintain, harbor, bring into the Village of Fall River, have in one's possession, act as a custodian for, or have custody or control on an exotic animal, except in compliance with this Section.

(b) **Definitions.** The following definitions and terms shall be applicable in this Section. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not permissive; the word "may" is nonmandatory and discretionary:

- (1) **Animal.** For purposes of this Section, shall mean exotic animals.
- (2) **Animal Control Officer.** Law enforcement officers, the Village Building Inspector, animal control officers, humane society employees, or any other person designated by the Village of Fall River to enforce or assist in the enforcement of this Section.
- (3) **Animal Shelter.** Any premises designated or used by the Village for the purpose of impounding and caring for animals found in violation of this Section, or of any other Village ordinance regulating the keeping of and care of animals. Included within this definition are animal shelters whose services are secured by the Village through contract or intergovernmental agreement.
- (4) **At Large.** An animal is at large when:
  - a. It is off the property of the owner and not properly confined or restrained in a manner such that the risk of uncontrolled or accidental contact by the animal with humans or domesticated animals has been minimized; or

- b. It is on the property of the owner, but is improperly restrained or confined so as to pose a risk of leaving the property and having uncontrolled or accidental contact by with humans or domesticated animals off of the owner's property; or
  - c. It is so improperly, inadequately or negligently restrained or confined on the owner's property so to pose a risk of potentially dangerous contact with humans or domesticated animals which come on to the owner's property.
- (5) **Enclosure or Enclosure Area.** The indoor and/or outdoor area in which an animal is kept confined or restrained, including any structure(s) in which it is kept, confined or restrained.
- (6) **Exotic Animal (including USDA Dangerous Animals).** Any animal, fowl, insect, or reptile that is not normally domesticated in Wisconsin or is inherently wild by nature. Exotic animals include, but are not limited to, any or all of the following orders, families and/or species, whether bred in the wild or in captivity, and also hybrids with domestic species. The animals, fowl, insects, and reptiles listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list nor to limit the generality of each group of animals, fowl, reptiles or insects:
- a. Non-human primates and prosimians\*, including chimpanzees (*Pan*); monkeys (*Cercopithecidae*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and baboons (*Papoi*, *Mandrillus*).
  - b. *Canidae*\*, excluding non-hybrid domesticated dogs, including wolves (*Canis lupus*); coyotes (*Canis latrans*); and all foxes and jackals.
  - c. *Felidae*\*, excluding domesticated cats, including cheetahs (*Acinonyx jubatus*); jaguars (*Panthera onca*); leopards (*Panthera pardus*); lions (*Panthera leo*); lynxes (*Lynx*); pumas (*Felis concolor*) which are also known as cougars, mountain lions or panthers; snow leopards (*Panthera uncia*); tigers (*Panthera tigris*); and ocelots.
  - d. *Ursidae*\*, including all bears.
  - e. Crocodylians (*Crocodylia*) thirty (30) inches in length or more, including alligators, caimans, and crocodiles.
  - f. *Proboscidea*\*, including elephants (*Elephas* and *Loxodonta*).
  - g. *Hyaenidea*\*, including all hyenas.
  - h. *Artiodactyla*\*, including hippopotami (*Hippopotamidae*) and giraffes (excluding camels, cattle, swine, sheep and goats).
  - i. *Procyonidae*, including coatis (raccoons excluded).
  - j. *Marsupialia*, including kangaroos (opossums excluded).
  - k. *Perissodactyla*\*, including rhinoceroses (*Rhinocero tidae*) and tapirs, excluding horses, donkeys and mules.
  - l. *Edentata*, including anteaters, sloths and armadillios.
  - m. *Viverridae*, including mongooses, civets and genets.
  - n. Game cocks and other fighting birds.
  - o. *Varanidae*, including only water monitors and crocodile monitors.

- p. Any other type of dangerous or carnivorous wild animal, fowl, or reptile.
- \* *Species listed on the United States Department of Agriculture's dangerous species list.*
- (7) **Humane Society.** The Humane Society of Columbia County.
- (8) **Own/Owner/Owning.** Any person, corporation, partnership, limited liability corporation, organization, association, joint venture, trust, or other legal entity who possesses, harbors, keeps, controls, boards, or has in his/her custody an exotic animal in the Village of Fall River, and any officer, member, shareholder, director, employee, agent or representative thereof. Any animal is being harbored if it is being fed and/or sheltered by such party.
- (9) **Section.** The same meaning as "this Ordinance."
- (10) **Solid Surface.** A surface constructed of cement, concrete, metal, asphalt, fiberglass or similar such hard, impervious surface.
- (11) **Village.** The Village of Fall River, Columbia County, Wisconsin.
- (12) **Village Board.** The Village Board of the Village of Fall River, and authorized committees and subunits thereof, including Village officials, employees or agents.
- (c) **Compliance with Federal Regulations.**
  - (1) **Federal Code Requirements.** 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 Department of Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
  - (2) **Regulation of the Importation of Birds.** No person, firm or corporation shall import or cause to be imported into the Village of Fall River any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This Subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by American Indian Nations for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (d) **Exotic Animal Permit Requirement - Application for Permit.**
  - (1) **Sale, Importation, Transfer, Purchase and/or Gifting of an Exotic Animal.** It shall be unlawful for any person to:
    - a. Import, transfer, sell, own, or purchase an exotic animal in the Village of Fall River without first obtaining a permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.
    - b. Sell, transfer, deliver, or give an exotic animal to any other person in the Village of Fall River without first obtaining a permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.
  - (2) **Keeping, Harboring, Maintaining or Controlling an Exotic Animal; Zoning.**
    - a. It shall be unlawful for any person in the Village of Fall River to own, keep, maintain, harbor, board, or control an exotic animal without first obtaining a

permit from the Village Board as prescribed by this Section, unless exempt from such permit requirement.

- b. An exotic animal may only be kept, harbored or maintained on a parcel in a Conservancy or Agricultural Zoning classification.
- (3) **Exceptions to Exotic Animal Permit Requirement.** The exotic animal permit requirements of this Section shall not apply to:
- a. Institutions accredited by the American Zoo and Aquarium Association (AZA).
  - b. State licensed humane societies.
  - c. Animal control or law enforcement officers acting in an official capacity.
  - d. State licensed veterinary hospitals or clinics.
  - e. Persons holding a Scientific Collectors Permit issued by the Wisconsin Department of Natural Resources.
  - f. Any person, company or organization presenting a transient or itinerant circus or carnival operating within the Village of Fall River ten (10) days or less per year and holding all other required Village, county and state permits and/or licenses.
  - g. Wildlife rehabilitators licensed by the Wisconsin Department of Natural Resources who temporarily keep, nurture, rehabilitate, and care for exotic animals which are injured or in need of rehabilitation, with the primary purpose of returning such animals to the wild. No animal may be kept under this exception for a period of more than ninety (90) days. No animal may be kept under this exception that poses a danger to the community or domestic animals.
  - h. State licensed or accredited research or medical institution.
  - i. Any person temporarily transporting an exotic animal through the Village if the transit time is not more than twenty-four (24) hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.
- (4) **Application; Required Application Information.** An applicant for an exotic animal permit shall file an application with the Village Clerk-Treasurer containing the following information:
- a. **Basic Application Information.** The applicant shall file the following information at the time of application filing:
    1. The name, address, and telephone number of the applicant.
    2. A description of each exotic animal the applicant possesses, or seeks to possess, including the scientific name, common name, sex, age, color, weight and any distinguishing marks or coloration that would aid in the identification of the animal.
    3. A photograph of each exotic animal.
    4. A description of the exact location and confinement facilities where the exotic animal will be kept.
    5. The names, addresses, and telephone number of the person from whom the applicant obtained the exotic animal, if known.

6. The name and address of the veterinarian providing veterinary care to the exotic animal and a certificate of good health for the exotic animal from that veterinarian.
  7. A plan for the prompt and safe recapture of the exotic animal if the exotic animal escapes. Each applicant/permittee shall have a plan for the quick and safe recapture of the exotic animal if the animal escapes, and, if recapture is impossible, then a plan for the destruction of the exotic animal.
  8. In the case of exotic animals included on the United States Department of Agriculture's dangerous animal list, proof of having obtained a minimum of one year's, paid in full liability insurance in an amount not less than Two Million Dollars (\$2,000,000) for each occurrence for liability damages for destruction of or damage to property and death or bodily injury to a person caused by the exotic animal. [Failure to at all times keep such liability insurance in full force and effect during the life of the permit shall immediately terminate the validity of such permit; it is the responsibility of the permittee to immediately notify the Village Clerk-Treasurer, in writing, of any changes in his/her insurance status, validity or carrier]. The Village of Fall River shall be listed as a named co-insured solely for the purpose of notice of cancellation of such insurance policy.
  9. Copies of all United States Department of Agriculture, United States Department of Interior, Wisconsin Department of Natural Resources, and any other state or federal permits/ licenses issued to the applicant approving of or governing the applicant's possession of the species for which a Village exotic animal permit is being sought.
  10. Exotic animal permit application fee in the amount per animal as prescribed in Sec. 1-3-1.
  11. Any other information required by Village of Fall River authorities to properly consider the application.
- b. ***Certified Information.*** The applicant shall certify in writing that:
1. The applicant is eighteen (18) years of age or older.
  2. The applicant has not been convicted of or found responsible for violating a local or state law prohibiting cruelty, neglect, or mistreatment of animals or has not within the last ten (10) years been convicted for possession, sale or use of illegal narcotics or controlled substances.
  3. The facility and the conditions in which the exotic animal will be kept are in compliance with this Section and all other applicable state and local regulations.
  4. The applicant has regularly provided veterinary care to the exotic animal when needed and will provide such care in the future.
  5. Proof that a licensed veterinarian has spayed or neutered the exotic animal.



(e) **Review of Exotic Animal Permit Application; Issuance; Conditions of Permit Issuance; Renewals.**

- (1) **Consideration of Application.** Upon receipt of the application, application fee and all of the information required by Subsection (d)(4) above, the Village Clerk-Treasurer shall schedule consideration of the application before the Village Board, duly noticing the consideration of the application on the notice/agenda for such meeting in compliance with the Wisconsin Open Meeting Law. All neighboring property owners and residents located within three hundred (300) feet of the applicant's property shall receive written notice of the meeting at which the application is to be considered by the Village Board a minimum of seven (7) days prior to the meeting date.
- (2) **Village Board Action.** Upon consideration of the application, the Village Board may issue an exotic animal permit if the Village Board is satisfied that:
  - a. All of the application and insurance requirements required by Subsections (d)(4) and (e)(4) have been fully satisfied;
  - b. The applicant has provided credentials, satisfactory to the Village Board, establishing that the applicant/owner is properly trained to handle, care for, restrain, and recapture the type of animal for which the permit application is being made;
  - c. The applicant has provided either application information or oral testimony at the application review meeting demonstrating ownership of, and training and proficiency with, tranquilizing and restraint equipment that is species-appropriate, to the satisfaction of the Village Board, and shall demonstrate adequate training and certification in first aid and CPR;
  - d. The exotic animal and the manner in which it will be kept will be fully in compliance with the requirements of this Section and that the animal will be kept in such manner so as not pose a threat to public safety and health;
  - e. The applicant has demonstrated that the animal will be kept in a humane manner consistent with this Section and all other applicable federal and state standards; and
  - f. The site is properly zoned for such use.
- (3) **Validity.**
  - a. A copy of the exotic animal permit shall be displayed, in plain view, on or reasonably near the animal's confinement area.
  - b. An exotic animal permit is not transferable without re-application under this Section.
  - c. Permits for each exotic animal shall be valid for one (1) year. The permit year shall commence on January 1 or as soon thereafter as officially issued and expire on December 31 of that year.
  - d. In addition to the application fee under Subsection (d)(4), the fee for an annual exotic animal permit, or renewal thereof, shall be as prescribed in Section 1-3-1 for each exotic animal.

- (4) **Permit Renewal; Issuance Criteria.**
  - a. Exotic animal permit renewal applications shall be submitted to the Village Clerk-Treasurer on or before November 15 of the permit year.
  - b. Along with each permit renewal application, the applicant shall submit the required renewal fee, a current certificate of good health for the animal(s), update in full all information required for the original permit, and provide proof of the required continued paid-up liability insurance [such proof of insurance shall be no more than thirty (30) days old.]
  - c. The Village Board shall consider renewals in the same manner as with the issuance of original permits.
  - d. The Village Board shall not issue or renew a permit if it determines that:
    1. The applicant has been convicted of cruelty to animals within the previous ten (10) years;
    2. The applicant has failed to provide, withheld or falsified any required permit application or renewal information; or
    3. The applicant is, or has been, unable to comply with the requirements necessary to obtain a permit or has failed to comply with the provisions of this Section at any time during the permit year.
- (5) **Permit Revocation.** The Village Board may revoke a permit for violation of this Section after giving written notice of the reasons for revocation to the permit holder. The Village of Fall River shall give the permittee notice, by certified mail with receipt requested, of intent to consider revocation of the exotic animal permit. The Village shall give the permittee an opportunity to respond to the notice and address the issues identified at an open, noticed Village Board meeting, after which the Village Board shall make its determination, with the reasons therefor included in the record of the Board's meeting.
- (6) **Permit Transfer.** If an owner can no longer properly care for his/her exotic animal, that person may only transfer his/her exotic animal to another person who has been issued a valid exotic animal permit by the Village Board. An owner/permittee shall notify the Village Clerk-Treasurer of any changes central to the validity of the permit, including the death of the exotic animal.
- (f) **Confinement Standards for Exotic Animals.**
  - (1) **Prohibited Confinement.** An exotic animal shall not be tethered, leashed, chained outdoors, or allowed to run at large.
  - (2) **Confinement Standards.**
    - a. All exotic animals governed by this Section shall be confined in a building or secure enclosure that has a floor, a secure roof and sides, constructed and maintained so as to securely confine the animal and provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of animal debilitation, stress, abnormal behavior patterns, or the professional opinion of a veterinarian, a qualified animal trainer, or experts

from the United States Department of Agriculture (USDA), United States Department of Interior, or Wisconsin Department of Natural Resources.

- b. For each exotic animal, the permittee shall comply with the AZA's "Minimum Guidelines" for animal care and maintenance or the USDA's standards for the humane handling, care and treatment of exotic animals [9 CFR Subchapter A (Animal Welfare, Part 3)], whichever is more restrictive. These standards shall provide the basis against which to assess the sufficiency of space or facility for animals for which a permit is sought or held.
  - c. The Village of Fall River recognizes that exotic animals typically require extra care in the provision of confinement and care due to the climate and conditions of their original place of origin.
- (3) **Minimum Outdoor Area Standards.** The outdoor area of an exotic animal's enclosure shall, at a minimum:
- a. Have two (2) sets of wire enclosures with a minimum of four (4) inches separation between them;
  - b. Have the sides of the wire enclosure extend downward and be buried a minimum of twelve (12) inches below ground;
  - c. Incorporate a roof design with independent fencing separate from and located between the roof and floor of the enclosure so as to prevent escape in the event high winds damage the roof over the enclosure;
  - d. Have a floor with a minimum six (6) inch perimeter of breaker rock-grade aggregate around the borders of the enclosed area and a minimum five (5) inch uniform depth of Class Five gravel for the floor, or a floor with a minimum four (4) inch uniform depth of concrete or asphalt over the remainder of the enclosure floor;
  - e. Be provided with shelter that allows the exotic animal, if kept outdoors, to remain dry and warm during snow/sleet/rain;
  - f. In the alternative, present to and secure approval from the Village Board for an alternative outdoor confinement system that substantially complies with the safeguards of this Section.
  - g. In addition to the structural requirements of the exotic animal's outdoor enclosure, the permittee shall:
    - 1. Ensure that the outdoor area is maintained in a safe and healthful manner;
    - 2. Keep the outdoor area free of standing water, accumulated waste, and debris;
    - 3. Ensure that sufficient shade, by natural or artificial means, is available when the animal is outdoors; and
    - 4. Maintain the structural soundness of the outdoor structure in good repair to protect the exotic animals from injury and to prevent escape.
- (4) **Minimum Indoor Area Standards.** The indoor area of an exotic animal's enclosure shall:

- a. Be an insulated, moisture-proof and windproof structure of adequate area to accommodate the need of the animal for adequate freedom of movement;
  - b. Contain a solid floor of no less than four (4) inches thick to prevent the animal from escaping;
  - c. Incorporate a roof design with independent fencing separate from and located between the roof and floor of the enclosure so as to prevent escape in the event high winds blow off the roof over the enclosure;
  - d. Locate the entrance to the building in which the animal is housed facing away from prevailing winds; and
  - e. Have a self-closing door over the human and animal entryway during the winter months to protect the animal from cold temperatures.
  - f. In addition to the structural requirements of the animal's indoor enclosure area, the owner of an animal shall:
    1. Ensure that the indoor enclosure area remains at an ambient temperature that will maintain the good health of the exotic animal;
    2. Provide proper ventilation of the indoor structure by natural or mechanical means to provide fresh air for the animal and to prevent moisture condensation;
    3. Ensure that the animal has natural or artificial lighting and adequate heat and ventilation to properly provide for the health of the animal at all times;
    4. Ensure that the animal has proper bedding in sufficient quantity for insulation against the cold and dampness and that is changed regularly; and
    5. Maintain the indoor enclosure area in good repair to protect the animal from injury and to prevent escape.
- (g) **Notification Signs.** All owners/permittees of an exotic animal(s) shall have continuously posted and displayed at each normal entrance onto the premises where an exotic animal is kept a conspicuous sign, clearly visible, and easily readable by the public, warning that there is an exotic animal on the premises. At least one such sign shall be located within twenty (20) feet of the animal's confinement area using the words "BEWARE OF \_\_\_\_\_", with the last word to indicate the type of exotic animal that is being confined. In addition, the permittee shall conspicuously display a sign with a warning symbol that adequately informs children of the presence of an exotic animal.
- (h) **Escape and Liability for Escape.**
- (1) **Notification of Escape.**
    - a. An owner/permittee shall immediately notify the Village Clerk-Treasurer/Village office, local Humane Society, the Village's animal control officer, and law enforcement authorities serving the Village, including but not limited to, the Police Department and County Sheriff's Department, of the escape of any exotic animal for which a permit is required
    - b. No person may intentionally release an exotic animal. If an exotic animal is released by any party, authorized or unauthorized, the owner/permittee is liable

for all expenses associated with efforts to recapture the animal, and may, in addition, be subject to a forfeiture.

(2) **Liability.**

- a. The owner/permittee shall be liable for all costs incurred by any public authority or their agents and resulting from the escape of any animal for which a permit is required, including boarding, placement, veterinarian and legal fees.
- b. Neither the Village of Fall River or any agent of the Village shall be liable for the loss, death, injury or destruction of any animal for which a permit is required, nor shall the Village be liable for any injury or damage caused by any animal for which a permit is required and issued under this Section.

- (i) **Inspection.** The owner/permittee of an exotic animal, at all reasonable times, shall allow designated inspectors of the Village, humane officers and law enforcement authorities to enter the premises where the animal is kept to ensure compliance with this Section as a condition of permit issuance. Such Village representatives may conduct a minimum of three (3) periodic, unannounced inspections of the outdoor and indoor enclosure areas per twelve (12) month period for USDA-designated dangerous exotic animals, and a minimum of one (1) such unannounced inspection per twelve (12) month period for non-dangerous exotic animals, to ensure that said areas are being maintained in the manner required by this Section.

(j) **Restraint and Impoundment.**

(1) **Animals At Large May Be Impounded.**

- a. All exotic animals shall be kept confined or under proper restraint by their owners as provided herein and shall not be permitted to run at large. Unrestrained exotic animals and animals running at large may be taken into custody in accordance with Chapter 173, Wis. Stats., and impounded at any facility deemed appropriate for the protection of the public and with facilities and equipment that permit the facility to adequately care for the animal. Such animals shall be considered to be abandoned.
- b. Animal control officers, designees of the Village of Fall River, humane officers or law enforcement officers, upon receipt of information indicating probable cause of a violation of this Section, may in his/her discretion, and after investigation, seize and impound an animal in emergency situations or where previous written notice has failed to produce compliance and when otherwise authorized by law.

(2) **Failure to Reclaim; Costs.**

- a. If an owner fails to reclaim an exotic animal within seven (7) days of taking the animal into custody, the Village shall consider the animal to be unclaimed, as authorized by Section 173.23(1m), Wis. Stats., and shall take such steps as authorized by law. The Village may contact the American Zoo and Aquarium Association for further assistance.

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- b. The animal's owner is liable for the costs of capture, care and placement for the exotic animal from the time of confiscation until the time of return to the owner, until the animal is disposed of, or until the time the animal has been relocated to an approved facility, such as a proper wildlife sanctuary.
- c. If an exotic animal is confiscated due to the animal being kept in contravention of this Section, the animal's owner is required to post a security bond or cash deposit with the Village and/or animal control authority in an amount sufficient to guarantee payment of all reasonable costs expected to be incurred in caring and providing for the animal, including, but not limited to, the estimated cost of feeding, medical care, and housing for at least thirty (30) days. The posting of the bond or cash deposit shall not prevent the Village of Fall River or animal control authority from disposing of the animal as permitted by law at the end of the thirty (30) days.
- d. An exotic animal may be returned to its owner only if, to the satisfaction of the Village Board, the possessor has a valid Village exotic animal permit, has corrected the conditions resulting in the confiscation, and has paid in full the cost of placement and care of the animal while under the care and control of the Village or humane society.
- e. If the owner of a confiscated exotic animal cannot be located or if a confiscated animal remains unclaimed, the Village or humane society may, at its discretion, contact an approved facility, such as an institution accredited by the American Zoo and Aquarium Association (AZA), allow the animal to be adopted by a party who can satisfy the permit requirements of this Section, or may euthanize the animal as permitted by law.
- f. If an escaped exotic animal cannot be recaptured safely and is posing a threat to public health and safety, authorities may euthanize the animal as permitted by law.

(k) **Animal Care.**

- (1) **Food and Water.** No owner shall fail to provide an exotic animal in his/her care with sufficient food, potable water, or shelter when needed.
- (2) **Humane Treatment.** No person shall ill-treat, beat, torment or otherwise abuse an exotic animal.

(l) **Incidents Causing Injury.**

- (1) **Notification.** All incidents in the Village of Fall River in which an exotic animal injures or is suspected of injuring any person or domesticated animal shall be reported by the permittee to the Clerk-Treasurer and law enforcement authorities within two (2) hours of the incident.
- (2) **Liability.** The owner of an exotic animal shall be responsible for all expenses incurred as a result of an injury inflicted or suffered by an exotic animal, whether expenses are incurred by the family of the victim, the victim, the Village or on behalf of the animal involved.

- (m) **Sanitation.**
- (1) **Fecal Matter; Odor.** Any person who owns, harbors, keeps, or controls an exotic animal shall be responsible for keeping his/her property properly clean of fecal matter and to keep obnoxious odors under control.
  - (2) **Waste Disposal.** Disposal of all animal waste shall be in a manner that is consistent with normal agricultural practices and adequately protects human and animal health.
- (n) **Limitation on Exotic Animal Numbers.** No person shall own, harbor or keep in his/her possession on any one parcel of property more than two (2) exotic animals over five (5) months of age at any one time, nor shall any person retain a litter/offspring, or portion thereof, of exotic animals longer than five (5) months following birth.
- (o) **Compliance; Enforcement**
- (1) **Transition Period.**
    - a. As a measure deemed necessary by the Village Board to protect the public safety, health and welfare, this Section shall apply to owners of exotic animals in the Village of Fall River and who possess, harbor, board or keep an exotic animal(s) on the effective date of this Section.
    - b. All such existing exotic animal owners shall file with the Village Clerk-Treasurer the location, species, gender and age of each such exotic animal within thirty (30) days of the effective date of this Section.
    - c. All such existing exotic animal owners shall comply with this Section, including applying for an exotic animal permit, within ninety (90) days of the effective date of this Section.
    - d. An exotic animal permit may be issued by the Village Board under the standards and procedures of this Section. Failure to apply for, and be granted, an exotic animal permit shall result in the animal being removed from its owner by the Village, or its designees, within six (6) months of the effective date of this Section.
  - (2) **Enforcement.** The Village Board, with the assistance of the humane society, animal control officers, and other law enforcement authorities, and such veterinarian assistance as may be needed shall be primarily responsible for the enforcement of this Section. The Village Board may appoint additional persons as may be necessary to assist with the enforcement of this Section.
- (p) **Penalties.** The following penalties shall apply to all violatons of this Section:
- (1) **Forfeiture.** Any person who fails to comply with the provisions of this Section shall, upon adjudication of the violation, be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00) per violation, plus the costs of prosecution and any assessments and expenses related to enforcement authorized elsewhere in this Section. Each day of violation shall constitute a separate offense. This penalty is in addition to any other remedies for non-compliance set forth elsewhere in this Section.

- (2) **Interference With Enforcement.** It is unlawful for a permittee/owner or any other person harboring, keeping, boarding or maintaining an exotic animal to fail to comply with the provisions of this Section, and/or for any person on the permittee's premises to interfere with the enforcement or administration of this Section.

### **Sec. 7-1-13 Animal Feces.**

- (a) **Removal of Fecal Matter.** The owner or person in charge of any dog, cat, horse, potbellied pig, or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge of the animal. This Section shall not apply to a person who is visually or physically handicapped and is obviously incapable of removing such fecal matter.
- (b) **Accumulation of Fecal Matter Prohibited on Private Yards.**
- (1) **Owner's Property.** The owner or person in charge of the dog, cat or other animal shall also prevent accumulation of animal waste on his/her own property by regularly inspecting and properly disposing of the fecal matter.
- (2) **Rental Property.** Any owner of property rented to others must ensure tenants do not permit the accumulation of animal waste on the rental property by tenants regularly and shall inspect and properly dispose of fecal matter.
- (c) **Possession of Fecal Matter Removing Implements Required.** Any person in possession of any dog, cat, potbellied pig, horse or other animal shall not be permitted to take the animal on any public street, sidewalk, park or other public property or private property unless said person has in his or her immediate possession such implements as are required to immediately remove any deposited fecal matter which the animal may produce. Implements required to immediately remove said fecal matter shall include, at a minimum, a bag or other appropriate containment device of some sort in which to physically and sanitarily contain said fecal matter.

### **Sec. 7-1-14 Injury to Property by Animals.**

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

### **Sec. 7-1-15 Barking Dogs or Crying Cats.**

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the



neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. The owner of a dog or cat is considered to be in violation of this Section when two (2) complaints are filed with the Police Department or animal control officers, or in the alternative, with the Village Clerk-Treasurer, within a four (4) week period.

### **Sec. 7-1-16 Sale of Rabbits, Chicks or Artificially Colored Animals.**

- (a) **Artificially Colored Animals or Fowl.** No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b) **Sale Numbers; Brooder Chicks Exception.**
  - (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
  - (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

*State Law Reference:* Sec. 951.11, Wis. Stats.

### **Sec. 7-1-17 Providing Proper Care, Food and Drink to Animals.**

- (a) **Care of Dogs, Cats and Domesticated Animals.** All dogs, cats and other domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises, barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No domestic animal shall be abandoned or turned loose by its owner or keeper. No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death, or be kept in an unsanitary or matted state of grooming.
- (b) **Food and Water.**
  - (1) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
  - (2) The food shall be sufficient to maintain all animals in good health.
  - (3) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

*State Law Reference:* Sec. 951.13, Wis. Stats.

## **Sec. 7-1-18 Providing Proper Shelter.**

- (a) **Proper Shelter.** No person owning or responsible for confining, harboring or impounding any animal, including, but not limited to, dogs, cats and horses, shall fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
  - (1) **Ambient temperatures.** The ambient temperature shall be compatible with the health of the animal.
  - (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
  - (1) **Shelter from sunlight.** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
  - (2) **Shelter from inclement weather.**
    - a. **Animals generally.** Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
    - b. **Dogs.** If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
  - (1) **Structural strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  - (2) **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

*State Law Reference:* Sec. 951.14, Wis. Stats.

## **Sec. 7-1-19 Neglected or Abandoned Animals.**

### **(a) Neglected or Abandoned Animals.**

- (1) No person may abandon any animal.
- (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
- (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
- (4) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
- (5) Section 951.16, Investigation of Cruelty Complaints, and Sec. 951.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

*State Law Reference:* Secs. 951.15, 951.16 and 951.17, Wis. Stats.

## **Sec. 7-1-20 Cruelty to Animals and Birds Prohibited.**

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his/her duties shall, within the Village of Fall River, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle, tractor, snowmobile, all-terrain vehicle, or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in

Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

## **Sec. 7-1-21 Limitation on Number of Dogs and Cats.**

- (a) **Purpose.** The keeping of a large number of dogs and cats within the Village of Fall River for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.
- (b) **Number Limited.**
  - (1) No residential unit shall own, harbor or keep in its possession more than a total of three (3) dogs and/or three (3) cats (a total of 3 of both types) in any residential unit without the prior issuance of a kennel license by the Village Board, except that a litter of pups or kittens or a portion of a litter may be kept for not more than ten (10) weeks from birth.
  - (2) The above requirement may be modified with the approval of the Village Board when a multiple dog (kennel) license has been issued by the Village pursuant to Section 7-1-3(b). Such application for modification shall be made to the Village Clerk-Treasurer as part of the conditional use application.

## **Sec. 7-1-22 Trapping of Animals.**

- (a) **Unauthorized Placement on Public Lands Prohibited.**
  - (1) In the interest of public health and safety, it shall be unlawful for any person, on Village-owned land within the Village of Fall River to set, place or tend any trap for

the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.

- (2) This Section shall prohibit the use of all traps on Village-owned property other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (b) **Statutory Requirements.** All such traps set, placed or tended shall comply with Chapter 29, Wis. Stats., as they relate to trapping.
- (c) **Village Authorized Trapping.** Nothing in this Section shall prohibit the Village of Fall River or its employees or agents from performing their official duties or engaging in Village Board-authorized vermin control.

## **Sec. 7-1-23 Snakes; Farm Animals.**

- (a) **Snakes.**
  - (1) For purposes of this Subsection, "poisonous" shall mean having the ability to cause serious harm or death by the transfer of venom or poison to a person or animal.
  - (2) No person shall keep or possess any snake in the Village of Fall River which is poisonous or in excess of ten (10) feet in length. This prohibition shall not apply to bona fide zoos, educational institutions or exhibitions keeping such snakes for display or for instructional or research purposes. Any person legally possessing any such animal in this capacity shall notify the Village Clerk-Treasurer in writing of the location and type of snake being kept and the purpose for such possession.
- (b) **Farm Animals; Miniature Pigs.** Except as provided in Section 7-1-25 regarding miniature pigs and on properties zoned in an agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep or rabbits [more than four (4)]. 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.

## **Sec. 7-1-24 Keeping of Bees.**

It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the Village of Fall River unless the bees are kept in accordance with the following provisions:

- (a) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard.

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- (b) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.
- (c) Fresh, clean watering facilities for bees shall be provided on the said premises.
- (d) The bees and equipment shall be kept in accordance with the provisions of state law.
- (e) A conditional use permit shall first be obtained pursuant to the Village Zoning Code.

**Sec. 7-1-25 Vietnamese Potbellied Pigs.**

- (a) **Definitions.** As used in this Section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
  - (1) "Vietnamese Potbellied Pig" shall mean a purebred Vietnamese Potbellied Pig registered through a North American Vietnamese Potbellied Pig Registry, which does not exceed one hundred (100) pounds in weight.
- (b) **License Required/Fee.** It is unlawful for any person, party, firm or corporation to keep or maintain within the Village of Fall River 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 as prescribed in Section 1-3-1 per calendar year or fraction thereof. Excepted from the license requirement is any law enforcement agency or agency under contract with the Village of Fall River to care for stray or unwanted animals.
- (c) **License/Application.**
  - (1) Any applicant for a license or renewal thereof under this Section shall file with the Village Clerk-Treasurer a fully executed application on a form prescribed by the Village Clerk-Treasurer, accompanied by the annual license fee.
  - (2) No licenses or renewal thereof shall issue hereunder until:
    - a. A Certificate of Purebred Registration is filed with the Village Clerk-Treasurer.
    - b. There has been an inspection by a Village law enforcement or animal control officer or the Building Inspector of the premises being licensed and a determination by said sanitarian that all requirements of this Section, and other applicable general and zoning ordinances, have been met.
    - c. There is an adequate means of restraining animals from running at large or disturbing the peace.
  - (3) Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the 31st day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.

- (4) When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any Village personnel requesting to examine it and having authority to enforce this Section.
  - (5) Only one (1) Vietnamese Potbellied Pig may be at any premises.
- (d) **License Requirements.** Licensee shall comply with the following as a condition of obtaining and maintaining a license:
- (1) Animal feces to be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
  - (2) When sunlight is likely to cause overheating to discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.
  - (3) An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for purposes of restraint.
  - (4) When the atmospheric temperature is less than fifty degrees Fahrenheit (50°F), an animal shall be kept indoors at a temperature no less than fifty degrees Fahrenheit (50°F), except for temporary ventures which do not endanger the animals health.
  - (5) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.
  - (6) Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.
  - (7) Animals may not be permitted to exceed one hundred (100) pounds in weight.
  - (8) Animals shall be examined by a veterinarian within a period of sixty (60) days prior to a new license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:
    - a. The animal's weight.
    - b. The animal has received all recommended vaccinations and boosters.
    - c. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.

- d. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.
  - e. The animal has passed a pseudorabies test administered in accordance with application state regulations.
- (9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six (6) feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape therefrom.
- (10) Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.
- (e) **Suspension, Revocation or Denial of Renewal of License.** The Village President or law enforcement officers shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any license has violated any of the provisions of this Section, or any ordinance of the Village, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Village Board by filing a request within ten (10) days of such notice.

## Sec. 7-1-26 Feeding of Deer.

- (a) **Feeding of Deer Prohibited.** No person may place any salt, mineral, grain, deer suckers, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer or enticing deer into any specific area of anyone's property in the Village of Fall River.
- (b) **Presumption.** There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
- (1) **Placement Height.** The placement of salt, mineral, grain, deer suckers, fruit or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon at the height of less than six (6) feet off the ground.
  - (2) **Placement Quantity.** The placement of salt, mineral, grain, deer suckers, fruit or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon in a drop feeder, automatic feeder or similar device regardless of the height of the salt, mineral, grain, fruit or vegetable material.



- (c) **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 and residue from lawns, gardens and other vegetable materials maintained as a mulch pile.
  - (3) **Bird Feeders.** Unmodified commercially purchased bird feeders or their equivalent.
  - (4) **Authorized by the Village Board.** Deer feeding may be authorized on a temporary basis by the Village Board for a specific public purpose as determined by the Village Board.
  - (5) **Counting.** Deer feeding may be authorized on a temporary basis by the Village Board for the purpose of determining the deer population.

### **Sec. 7-1-27 Dog Pens; Setback for Leashed Dogs.**

- (a) **Building Permit Required.** Any party constructing a dog pen within the Village of Fall River will be first required to obtain a building permit from the Village Clerk-Treasurer for the sum set from time to time by the Village Board.
- (b) **Setbacks Required of Dog Pens.** No dog pen/house/run may be constructed within the Village of Fall River closer than ten (10) feet from a neighbor's property line and no dog shall be tied so that it is closer than ten (10) feet from such neighbor's property line.

### **Sec. 7-1-28 Penalties.**

- (a) **Penalties for Violations Under This Chapter.** Any person violating any Section of this Chapter, except Sections 7-1-7 and 7-1-12 (which have penalty provisions), shall be subject to a forfeiture of not less than Fifty (\$50.00) Dollars and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
- (b) **Failure to Comply with Rabies Quarantine.** An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) **Miscellaneous.** 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 of Fall River by Village-authorized officials in the event the owner or keeper of the dog fails to remove the

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dog from the Village of Fall River. 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. 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.