

## Title 7 ► Chapter 1

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# Licensing of Dogs; 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 Section 1-1-7 shall also be applicable:

- (1) **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 of any premises on which a dog, cat or other animal remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog, cat or other animal within the meaning of this Section.
- (2) **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.
- (3) **Dog.** Any canine, regardless of age or sex.
- (4) **Cat.** Any feline, regardless of age or sex.
- (5) **Neutered.** A dog or cat having nonfunctional reproductive organs.
- (6) **Animal.** Mammals, reptiles and birds.
- (7) **Cruel.** Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
- (8) **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.
- (9) **Farm Animal.** Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
- (10) **Pet.** An animal kept and treated as a domesticated or household pet.
- (11) **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.
- (12) **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.
- (13) **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.
- (14) **Kennel.** An establishment where dogs are bred, trained or boarded.
- (15) **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.
- (16) **Stray or Abandoned Animal.** Any animal whose owner or custodian remains unidentified after a period of seven (7) days.

- (17) **Animal Control Authority.** The persons and entities responsible for enforcement of the animal control laws of the Village, or such person as is designated by the Village, whether acting alone or in concert with other responsible persons and/or local governmental units.
- (18) **Animal Control Officer.** Any individual employed, contracted with, or appointed by the Village for the purpose of aiding in the enforcement of this Chapter.
- (19) **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.

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

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

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

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the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

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

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

(a) **Dog Licenses.**

- (1) It shall be unlawful for any person in the Village of Elk Mound to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
- (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
- (3) The minimum 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) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog 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) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).

- (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.
- (b) **Multiple Dog Licenses.**
- (1) Any person who keeps more than two (2) 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 Board, 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 Board may attach conditions to such approval as a conditional use under the Village's Zoning Code.
  - (2) 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. 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/unleased for the purposes of hunting, breeding, trial, training or competition.
  - (3) The term "multiple dog" means any establishment wherein or whereon three (3) or more dogs are kept.
  - (4) 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.
  - (5) 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 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 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 Five Dollars (\$5.00) 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 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 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 which 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 a licensed veterinarian within twenty-four (24) hours of a quarantine notice and again on the tenth (10th) day after the bite. 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.
- (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 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, 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, 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 Secs. 95.21 and 174.02(3), Wis. Stats., insofar as the same are applicable, 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 Elk Mound to own, harbor or keep any dog, cat or other animal which:
  - (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
  - (2) Assaults or attacks any person or destroys property.
  - (3) Is at large within the limits of the Village.
  - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-15.)
  - (5) Kills, wounds or worries any domestic animal.
  - (6) 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.
  - (7) In the case of a dog, is unlicensed.
  - (8) Is tied or leashed in a manner that prohibits or impairs the reading of utility meters.
  - (9) 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 upon any 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