

ORDINANCE NO. 2023-02
ORDINANCE TO AMEND CHAPTER 10 OF THE MUNICIPAL CODE
ANIMALS

THE VILLAGE BOARD OF THE VILLAGE OF KEWASKUM, WASHINGTON COUNTY, WISCONSIN, DO ORDAIN AS FOLLOWS:

Section 1. That Chapter 10 of the Municipal Code of the Village of Kewaskum, relating to Animals, should be amended as follows:

Sec. 10-1. Definitions

Definitions. For the purposes of this section the following definitions shall apply:

- (1) *Animal* means mammals, reptiles and birds.
- (2) *At large* means that the dog /cat/animal is off premises of the owner or keeper and not accompanied and under the control of a person of suitable age and able to control the dog/animal.
- (3) *Dangerous dog* as used in this ordinance means any dog which:
 - a. Because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance;
 - b. When provoked, chases or approaches a person in a menacing fashion or apparent attitude of attack on public or private property;
 - c. Has caused less than serious injuries to humans, livestock or domestic animals after the owner was notified or should have known the dog previously injured or caused injury to a person, livestock or domestic animal;
 - d. Has been found to be dangerous by the Municipal Court of the Village of Kewaskum in a trial or hearing upon a charge of harboring a dangerous animal.
- (4) *Department* shall mean the police department.
- (5) *Fowl* shall mean any bird typically used to produce meat or eggs; such as but not limited to, chickens, ducks, geese, turkeys, guinea hens or pheasants, pigeons or other domesticated birds.
- (5) *Impoundment* shall mean the confinement of an animal in a department-approved, supervised facility such as a veterinarian's kennel, commercially operated kennel, or the Washington County Humane Society.
- (6) *Owner* shall mean the owner, keeper, custodian or person having charge, harboring or having the care, custody, whether temporarily or permanent, of an animal.
- (7) *Permit* shall include the otherwise unregulated right to keep an animal currently not covered by a requirement for a village license or permit.
- (8) *Premises of the owner* shall be defined as the residence of said owner, including the attached property surrounding said residence that is leased or owned by said owner, but not including any common area, park or recreational property jointly owned or leased by the members of a homeowners' or tenants' association.
- (9) *Serious injury* is defined as broken bones or wounds that require sutures.
- (10) *Subcommittee* shall mean a subcommittee of the protection and public safety committee consisting of three members appointed by the village president and ratified by the village board.

- (11) *Vicious dog* as used in this ordinance means any dog:
- a. With a propensity, tendency, or disposition to attack or cause serious injury to human beings or domestic animals;
 - b. Which without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal causing serious injury;
 - c. Owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting;
 - d. Which has been found to be vicious by the Municipal Court of the Village of Kewaskum in a trial or hearing upon a charge of harboring a vicious animal.

State law reference(s)—Similar provisions, §§ 174.05—174.10, Wis. Stats.

Sec. 10-2. Noisy animals or fowl.

The keeping or harboring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises which annoys or disturbs others within the village is prohibited.

(Code 1983, § 10.05(10); Ord. No. 2003-11, 5-19-03; Ord. No. 12-05, § 1, 5-21-12)

Sec. 10-3. Records required by kennels, pet shops; licensing.

- (a) No person operating a kennel or pet shop or other person selling pets within the village shall sell or place such animals without first preparing accurate and complete records of such sale. Such records are necessary in tracing the location and movement of animals suspected of rabies exposure.
- (b) The annual kennel fee shall be as set from time to time by the village board for any business owning or housing four or more dogs or cats, or more than one pot-bellied pig. A conditional use permit is required for first issuance of a kennel license.
 - (1) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (2) Animals are maintained in quarters so constructed as to prevent escape.

(Code 1983, §§ 12.01(7), 12.04(10); Ord. No. 2003-11, 5-19-03; Ord. No. 20-08, § 1, 7-20-20)

Sec. 10-4. Vicious animals.

Any pet determined to be a fierce or vicious animal may be seized and impounded under the supervision of a licensed veterinarian for a period of not less than 14 days.

(Code 1983, § 12.04(8)(a); Ord. No. 2003-11, 5-19-03)

Sec. 10-5. Dangerous animals regulated.

- (a) *Statement of purpose.* It is hereby declared that this regulation of dangerous animals is a matter of public interest pertaining to the health, safety and welfare of residents of and visitors to the Village of Kewaskum, and that existing laws are inadequate to deal with the threat to public health and safety posed by dangerous animals. It is further declared that the owning, keeping or harboring of dangerous animals is a public nuisance.
- (b) *Impoundment—Biting or attacking animal.*
 - (1) The department shall have the power to summarily and immediately impound an animal whenever the department has reasonable grounds pursuant to subsection (d) to believe that the animal is a

dangerous animal, pending the results of an investigation by the department. Any law enforcement officer or duly authorized department employee may enter and inspect private property to enforce the provision of this section. The owner of the animal shall be liable to the village for the costs and expenses of impounding and keeping said animal, unless the department fails to declare the animal dangerous or the department determination is ultimately overturned by the protection and public safety committee or the Municipal Court.

- (2) An animal, impounded pursuant to this section, may be returned to the owner upon payment of all outstanding village fees and charges, including costs and expenses of impounding the animal, when the investigation is completed.
 - (3) In lieu of impoundment, if the animal is currently immunized against rabies, or if the animal species is at low risk for transmitting this or other diseases, the department may permit the animal to be confined at the owner's residence provided that the owner complies with conditions set forth by the department. (Refer to section 10-62 of the Municipal Code.)
 - (4) The owner or custodian of an animal confined under subsection (3) above shall immediately notify the department if said animal is loose, unconfined, has attacked or bitten or injured another animal or has attacked, bitten or injured a human being or has died. The animal shall not be sold or given away during the impoundment period.
- (c) *Determination.* The department shall investigate situations in which there are reasonable grounds to believe an animal is dangerous. Reasonable grounds to believe an animal is dangerous are that the animal:
- (1) Has attacked, bitten or injured another animal or human being engaged in a lawful activity; or
 - (2) Has without provocation and off the property of its owner, chased, confronted or approached a person in a menacing fashion such as would put an average person in fear of attack; or
 - (3) Has been trained for fighting or attack and is being handled, kept or maintained in a manner that causes or should cause an owner to know that it potentially poses a threat to public health and safety; or
 - (4) Has acted in any manner that causes or should cause an owner to know that the animal is a threat to public health and safety.
- (d) *Dangerous animal, declared.* The department, after considering appropriate evidence, may declare any animal to be a dangerous animal (refer to subsection (d) above). The department shall make a reasonable attempt to personally notify the owner of the pendency of the department's investigation and shall notify the owner in writing of its determination. Mailing a copy of the determination to the owner's last known address and posting in accordance with approved department policy shall satisfy this notice requirement.
- (e) *Dangerous animal, disposition.*
- (1) It shall be unlawful for any person to own, possess, harbor or keep any animal declared by the department to be dangerous, except as allowed in subsection (2) below.
 - (2) Any animal declared by the department to be a dangerous animal shall be humanely destroyed, removed from the village or placed under restrictions as set forth in department policies. The police chief or his designee shall issue an order authorizing the destruction, removal or restriction of the animal within two days after the time for appeal as provided in subsection (h) below has passed without notice of appeal being filed.
 - (3) Any animal declared by the department to be dangerous, if not already impounded by the department, shall be immediately surrendered to the department upon the order of the police chief or his designee, and it is the duty of the department to contact the Washington County Humane Society to take up and impound any such animal.
- (f) *Subsequent determination and penalty.*

- (1) The department may make a new determination if an owner fails to comply with the terms, conditions or restrictions imposed in subsection (f)(2) above.
 - (2) The failure of any person to comply with any term, condition or restriction imposed by the department is a violation of this section.
- (g) *Subcommittee review of determination.* The owner or any person aggrieved by a department determination declaring any animal to be a dangerous animal may appeal such determination to the protection and public safety committee by filing a notice of appeal stating the grounds therefor with the chief of police within seven days of the date of mailing of the department determination under subsection (e) above. The protection and public safety committee shall schedule a hearing on whether to affirm, conditionally affirm or reject the department determination within fifteen (15) business days, but not sooner than two (2) business days, and shall make reasonable efforts to notify the owner, bite or attack victims and their representatives, if any, departmental witnesses and other interested parties of such hearing and the opportunity to present evidence and testimony to the subcommittee. The subcommittee shall, within a reasonable period of time after the hearing, issue its decision in writing and serve a copy of the same by first class mail upon the owner and all parties requesting the same.
- (h) *Appeals to municipal court.* Any person aggrieved by a determination of the protection and public safety committee under subsection (h) above may appeal such action on a dangerous animal determination to municipal court by writ of certiorari within 20 days of notification of such final action by mailing of the decision under subsection (h). All costs associated with municipal court shall be bore by the requesting party.
- (i) *Prosecution.* It is the intent of this section that any investigation or determination under this section shall not prohibit the village from prosecuting the same owner for other animal control violations relating to the same animal or other animal.
- (j) *Forfeiture.*
- (1) Any person violating any of the provisions of this section shall be subject to a forfeiture as specified in Section 1-11. Each and every day such violation continues shall be considered a separate offense.
 - (2) The failure or neglect of any person to comply with any lawful order of the department issued pursuant to this section is a violation of this section.
- (k) *Severability.* In the event that any subsection of this section shall be declared or adjudged by a court or competent jurisdiction to be invalid or unconstitutional, such adjudication shall in no manner affect the other subsections of this section, which shall be in full force and effect as if the said subsection(s) were not originally a part thereof.

(Ord. No. 99-3, 3-15-99; Ord. No. 2003-11, 5-19-03)

Secs. 10-6—10-40. Reserved.

ARTICLE II. DOGS, CATS AND OTHER ANIMALS¹

DIVISION 1. GENERALLY

The following regulations are intended to maintain a desirable living condition for all village residents. According to the United States Centers for Disease Control and Protection, pets can have many positive effects on humans; however pets also spread zoonotic diseases to humans. Properties and persons living within the Village setting are

¹Editor's note(s)—Ord. No. 2003-11, adopted May 19, 2003, amended Ch. 10 by adding provisions pertaining to birds and wild animals to Art. II. At the editor's discretion, to better reflect the contents of Art. II, the title has been changed from "Dogs and Cats" to "Dogs, Cats and Other Animals".

close to each other, and therefore the number of animals allowed on one property will affect the health and quality of life of those around said property. It is important to balance the welfare pets promote and the health and safety of all residents as well.

Allowing for too many animals can create a nuisance for neighboring properties in the form of noise, smells, animal waste, as well as health and safety concerns for people as well as other animals. The Village believes that limiting the number of dogs, cats, miniature potbellied pigs and other animals allowed will create an appropriate balance between those who wish to have pets and the effects on those around them. In order to achieve the desired results of this balance, and due to the average life expectancy of dogs, cats and pigs, this ordinance will be retroactive and be in full effect 90 days after issuance.

Sec. 10-40. Limitation on number of dogs, cats and miniature potbellied pigs allowed.

- (a) NUMBER OF DOGS, CATS AND POTBELLIED PIGS PER HOUSEHOLD LIMITED. No person, except a location operating with a kennel license per section 10-3 of this code, shall own, harbor or keep more than three dogs, three cats or one potbellied pig, with a household maximum total of five animals of any kind, excluding fish in a fish tank, as required by licensing standards set forth in Kewaskum Village Ordinances that are more than 5 months of age except in a place or places where animals are impounded or restrained.
- (b) If a total of more than three dogs, three cats, one potbellied pig, or a total of five animals are owned, harbored or kept in or by any one household, the head of the household shall be deemed the person so owning, harboring or keeping such animals, notwithstanding that the dog, cat or pig license or licenses may be issued to other members of the household as owners of such animals.

Sec. 10-41. Licenses.

- (a) *Required.* No person shall own, harbor or keep any dog or cat more than five months of age, for a period exceeding fourteen (14) days within a calendar year, without complying with the provisions of §§ 174.05—174.09, Wis. Stats., relating to the listing, licensing and tagging of dogs and cats.
- (c) Every owner of a dog or cat, five months or older, shall annually pay their pet license tax and obtain a license therefor at the office of the village clerk. The annual pet license fee shall be as set from time to time by the village board based on the spayed / neutered status of the pet. The fee shall be half these amounts if such pet becomes five months of age after July 1
 - (1) Late fees. The village treasurer shall assess and collect a late fee of \$5.00 from every owner of a dog, cat or other licensed animal five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog, cat or other licensed animal or if the owner failed to obtain a license on or before the dog, cat or other animal reached the age. Said late fee shall be charged in addition to the required fee.
 - (2) Prior to the issuance of the license the owner shall present evidence that current immunizations against rabies or other needed vaccinations have been received. A dog is considered to be unlicensed if a valid license tag is not attached to a collar which is kept on the animal.

(Code 1983, §§ 12.01(1), (5), (6), 12.04(1); Ord. No. 2003-11, 5-19-03)

State law reference(s)—Dog tax generally, § 174.05, Wis. Stats.

Sec. 10-42. Not to run at large.

The owner or keeper of any dog, cat or animal licensed or unlicensed, shall not permit the dog, cat or animal to run at large in the village. A dog, cat or animal shall be deemed to be at large unless under the control of a person by means of a chain, rope or cord of sufficient strength to control the actions of such dog, cat or animal or

such personal presence and attention as will reasonably control the conduct of such dog, cat or animal. Any police officer within the village shall cause any dog, cat or animal running at large to be seized, impounded or restrained.

(Code 1983, § 12.04(2); Ord. No. 2003-11, 5-19-03)

Sec. 10-43. Restrictions on keeping of animals.

No person within the village shall own, harbor or keep any animal that:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the village.
- (2) Assaults or attacks any person.
- (3) Habitually creates excessive noise to the annoyance of any person.
- (4) Kills, wounds or worries any domestic animal.
- (5) Is known to be infected with rabies.

(Code 1983, § 12.04(4); Ord. No. 2003-11, 5-19-03)

Sec. 10-44. Birds and animals.

- (a) *Protection of birds and animals.* No person shall, within the Village, catch, kill wound, worry or molest any bird, destroy or injure the nest or eggs of any bird, nor shall any person permit any dog or animal belonging to them, or in their charge, custody or control, to chase, worry, molest, destroy or catch any animal or bird within the village excepting rats and mice. Any animal or bird that is deemed to be a nuisance may be dealt with as prescribed by the chief of police or Washington County Humane Society. This section does not prohibit the village nor other proper authority to manage wildlife within the municipal boundaries of the village.
- (b) *Keeping of fowl (birds) and livestock (animals) regulated.* No person shall keep, raise or have in their possession any live fowl or livestock within the village limits; erect, maintain or use on any lot or parcel of land within the village any yard, coop, structure or other building for the purpose of keeping or housing any type of fowl and livestock, including but not limited to horses, mules, cattle, sheep, goats, pigs (swine), hoofed animals, chickens, ducks, geese, turkeys, guinea hens or pheasants, pigeons or other domestic fowl and livestock.
- (c) *Running at large.* The owner or keeper of one or more horses, mules, cattle, sheep, goats, pigs (swine), chickens, ducks, geese, turkeys, guinea hens or pheasants, pigeons or other domestic fowl and livestock shall prevent them from running at large in any part of the village.
- (d) *Clarification.* This section shall not apply to any lands zoned agricultural within the village.
- (e) *Miniature pot bellied pigs.* A "miniature pot bellied pig" shall mean a cloven-hoofed animal, also known as a Vietnamese, Chinese or Asian pot bellied pig which is domesticated, does not exceed 22 inches in height at the shoulders and does not exceed 150 pounds in weight. The provisions of subsection (b) do not apply to or include the species *Sus scrofa*, more commonly known as a miniature pot bellied pig. Owners or keepers of miniature pot belly pigs in the village must comply with the following requirements:
 - (1) Owners and keepers of a miniature potbellied pig shall pay a license fee as established by the Village Board from time to time and obtain a license in the same manner as is provided for licensing dogs under §§ 174.05 and 174.07, Wis. Stats., respectively, as well provided for by section 10-41(c)(1), (2) above.
 - (2) Miniature potbellied pigs must be spayed or neutered prior to receiving the license required by section 10-44(e)(1) above. Breeding of miniature potbellied pigs is prohibited in the village.

- (3) Miniature potbellied pigs are to be inoculated for erysipelas, pneumonia, rhinitis and rabies (once every three years).
- (4) Only one miniature potbellied pig shall be kept within or upon any parcel or dwelling unit within the village limits. The owner or keeper of a pig shall properly water and feed it at regular intervals and shall keep the premises occupied by it in a sanitary condition.
- (5) No owner or keeper of any miniature potbellied pig shall permit or allow the pig to "run at large within the village" as that term is defined in section 10-05(b)(2).
- (f) *Inspection of premises.* Premises used in the keeping or maintaining of one or more dogs, cats, birds and animals shall be open to inspection of the village officials or their duly designated representatives at all times.
- (g) *"Waste products and manure.*
 - (1) The owner or keeper in charge of any fowl or animal shall not permit solid fecal matter of such fowl or animal to be deposited on any street, alley or other public or private property unless such material is immediately removed by the owner or keeper in charge.
 - (2) The owner or keeper in charge of private property shall not permit solid fecal matter of fowl and animals kept on private property to accumulate on the private property, including the space between the street or curb and the sidewalk adjacent to such property, for a period in excess of 24 hours.

(Ord. No. 2003-11, 5-19-03)

Secs. 10-45—10-59. Reserved.

DIVISION 2. WILD ANIMALS

Sec. 10-60. Wild animals; prohibition on keeping.

- (a) It shall be unlawful for any person to keep, maintain, or have in their possession or under their control within the village any poisonous reptile or other dangerous or carnivorous wild animal or reptile, any dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities specifically:
 - (1) It shall be unlawful for any person to keep, maintain, or have under their possession or under their control within the village any of the following animals including but not limited to:
 - a. All poisonous animals and reptiles including rear-fang snakes.
 - b. Apes: Chimpanzees (Pan); gibbons (hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
 - c. Baboons (Papoi, Mandrillus).
 - d. Bears (Ursidae).
 - e. Cheetahs (Acinonyx).
 - f. Crocodilians (Crocodilia and Alligators)
 - g. Constrictor snakes, six feet in length or more.
 - h. Coyotes (Canis latrans) Carnivore/Canidae: (wolves and foxes).
 - i. Elephants (Elephas and Loxodonia).
 - j. Game cocks and other fighting birds.
 - k. Hippopotami (Hippopotamidea).

- l. Hyenas (*Hyaenidea*).
 - m. Jaguars (*Panthera onca*).
 - n. Leopards (*Panthera pardus*).
 - o. Lions (*Panthera leo*).
 - p. Lynxes (*Lynx*).
 - q. Marsupials (Kangaroos and Opossums).
 - r. Monkeys, old world (*Cercopithecidae*).
 - s. Mustelids (Skunks, Weasels, Otters and Badgers) (except domesticated Ferret).
 - t. Pumas (*Felis concolor*); also known as cougars, mountain lions and panthers.
 - u. Ocelots (*Felis pardalis*).
 - v. Rhinoceroses (*Rhinocero tidae*).
 - w. Snow leopards (*Panthera uncia*).
 - x. Tigers (*Panthera tigris*).
 - y. Viverrids (Mongoose, Civets and Genets).
 - z. Poisonous insects.
- (b) *Pet shops*. The provisions of subsection (a) above shall not apply to licensed pet shops, zoological gardens, circuses, professional animal acts and wildlife exhibits if:
- (1) Their location conforms to the provisions of the zoning ordinance of the village.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent escape.
 - (4) No person lives within 1000 feet of the quarters in which the animals are kept.
- (c) *Exceptions*. "Wild animal" does not include captive-bred species of caged birds, rodents, turtles, fish, and nonpoisonous, nonconstricting snakes.

(Ord. No. 2003-11, 5-19-03)

Secs. 10-61—10-65. Reserved.

DIVISION 3. CANINE HYBRIDS

Sec. 10-66. Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Wolf/dog hybrid means 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 in this definition:

- (1) The term "canine animal" includes all members of the family canidae except foxes.
- (2) The term "domesticated dog" means *Canis familiaris*.

- (3) The term "wolf" includes both *Canis lupus* and *Canis niger*.
- (4) The term "coyote" means *Canis latrans*.
- (5) The term "jackal" means *Canis aureus*.
- (6) The term "dingo" means *Canis dingo*.

(Ord. No. 95-12, § 12.10(3), 12-11-95; Ord. No. 2003-11, 5-19-03)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 10-67. Requirements for keeping.

- (a) All of the provisions of this article and the provisions of this chapter relating to dogs, with the exceptions of differences in this division of the provisions relating to quarantine of animals that have bitten a person, shall likewise apply to wolf/dog hybrids. If a wolf/dog hybrid bites a person, the animal shall be sacrificed pursuant to § 95.21(4)(b), Wis. Stats.
- (b) The owner of any wolf/dog hybrid and the owner of any property on which a wolf/dog hybrid is kept shall see that the animal is at all times confined according to the minimum requirements of this division.
- (c) A wolf/dog hybrid may be kept only in an enclosure that meets the following minimum requirements:
 - (1) The enclosure shall be constructed of woven, galvanized after weaving, wire, securely anchored by stainless steel or copper rings. Such enclosure shall be not less than 500 square feet in area plus 250 square feet for each additional canine animal kept therein and shall be the location in which the animal is primarily kept.
 - (2) The enclosure shall extend to a height of not less than eight feet, and shall be surrounded from ground level to a height of four feet by quarter-inch galvanized mesh screening.
 - (3) The base and top of the enclosure shall be constructed of securely anchored wire mesh and extend inward a distance of not less than two feet at the top of each enclosure at an angle of not less than 45 degrees, and at the base shall be covered by at least four inches of crushed stone.
 - (4) The enclosure shall be kept locked with a case-hardened lock at all times when the animal is unattended, and the enclosure shall have double entrance gates or doors so as to prevent an animal from escaping past an open gate or door.
- (d) A wolf/dog hybrid may be transported only if confined in a secure, locked container with no openings not covered with mesh screen. This subsection does not prohibit the walking of such animals on a leash, subject to the requirements of local leash laws.
- (e) In order to ensure compliance with this division, no person in possession of any registration papers, certificate, advertisement or other written evidence by which the bloodlines of a canine animal found within this village or its ownership might be ascertained may refuse to produce the same for the inspection of any law enforcement, conservation or public health officer or court upon demand.
- (f) The foregoing provisions shall not apply to doctors of veterinary medicine in temporary possession of such animals in the ordinary course of their practice.
- (g) No person shall willfully or negligently release or abandon a wolf/dog hybrid in this village.
- (h) Any person who violates this division shall be subject to section 1-11.

(Ord. No. 95-12, §§ 1, 2, 4—9, 12-11-95; Ord. No. 2003-11, 5-19-03)

Sec. 10-68. Licenses.

The annual license fee for canine hybrids shall be as follows:

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- (1) For neutered males and spayed females, as set from time to time by the village board.
 - (2) For males and unspayed females, as set from time to time by the village board.

(Ord. No. 95-12, § 12.01(6)(a), 12-11-95; Ord. No. 2003-11, 5-19-03)

Secs. 10-69—10-89. Reserved.

ARTICLE III. RABIES CONTROL

Sec. 10-90. Enforcement authority.

The police department may promulgate and adopt rules and regulations deemed necessary to cope with an outbreak of rabies in the village.

(Code 1983, § 12.04(5)(b); Ord. No. 2003-11, 5-19-03)

Sec. 10-91. Notification of animal bite.

Any person having knowledge that a dog, cat or pet regulated in this article has bitten any person shall within 24 hours notify the police department giving, if possible, the name and address of the owner and circumstances under which the bite occurred.

(Code 1983, § 12.04(7); Ord. No. 2003-11, 5-19-03)

Sec. 10-92. Rabies vaccination required.

Every owner of any dog or cat four months of age or older shall have the dog or cat vaccinated against rabies every three years by a licensed veterinarian.

(Code 1983, § 12.04(5)(a); Ord. No. 2003-11, 5-19-03)

State law reference(s)—Rabies vaccinations generally, § 95.21, Wis. Stats.

Sec. 10-93. Duties of veterinarian, certificate, tag.

- (a) Each veterinarian shall inoculate the pets described in this division with appropriate rabies vaccine and shall, at the time of such inoculation, complete a certificate of rabies vaccination, which shall include the owner's name and address, description of pet, date of vaccination, and manufacturer's name and serial number of the vaccine administered, and shall present such certificate to the owner of such pet, forward a copy of such certificate to the village clerk, and retain a copy of such certificate.
- (b) Each veterinarian shall, at the time of such inoculation, present a tag of durable material to the owner of such pet. Such tags shall be numbered serially, contain the year of issuance, and shall be attached to the collar of such pet as evidence of rabies vaccination.
- (c) The owners of any dog or cat shall present the veterinarian's rabies certificate and tag required by subsection (a) to the village clerk before such official shall issue an annual dog or cat license as required by the village.

(Code 1983, § 12.04(6); Ord. No. 2003-11, 5-19-03)

Sec. 10-94. Quarantine.

Any domestic animal defined in § 174.001, Wis. Stats., suspected of being afflicted with rabies, which has bitten any person causing an abrasion of the skin on such person, shall be seized and impounded under the supervision of a licensed veterinarian for not less than 14 days. If, upon examination by such veterinarian, the animal has no signs of rabies at the end of such impoundment, it shall be disposed of according to law. If such animal has not been vaccinated as required in this subdivision, it shall be inoculated, as required in this subdivision, prior to release to its owner.

(Code 1983, § 12.04(8)(c); Ord. No. 2003-11, 5-19-03)

Sec. 10-95. Domestic animal without tag.

Any domestic animal found not wearing a valid vaccination tag shall be impounded under the supervision of a licensed veterinarian for not less than three days, and may be reclaimed by the owner of the animal upon compliance with the rabies vaccination requirement.

(Code 1983, § 12.04(8)(b); Ord. No. 2003-11, 5-19-03)

Sec. 10-96. Domestic animal bitten by rabid animal.

Any domestic animal not vaccinated as required in this division that is known to have been bitten by a rabid animal shall be seized, and upon consent of the owner of such domestic animal, immediately destroyed. If the owner does not consent to the disposal of the affected pet, such animal shall be impounded in strict isolation and quarantined in suitable impoundment facilities under the supervision of a licensed veterinarian for a minimum of six months. If such animal has been vaccinated as required in this division, it shall be revaccinated immediately and impounded for 30 days following such revaccination. If the owner of a domestic animal known to have been bitten by a rabid animal refuses to comply with these regulations, such animal shall be immediately destroyed.

(Code 1983, § 12.04(8)(d); Ord. No. 2003-11, 5-19-03)

Sec. 10-97. State law operative.

Nothing in this division shall affect the operation of § 95.21, Wis. Stats.

(Code 1983, § 12.04(8)(f))

Secs. 10-98—10-120. Reserved.

ARTICLE IV. IMPOUNDMENT²

Sec. 10-121. Enforcement authority.

- (a) The police department shall enforce the seizure, confinement and impounding of animals.
 - (b) Any police officer who has acted pursuant to subsection (a) shall notify the owner personally or through the mail, if such owner be known to the officer or can be ascertained with reasonable effort. Such officer shall read the "lost and found" column of the local newspapers having general circulation in the village to determine whether a dog or cat is a lost dog or cat, and shall promptly communicate with the advertiser thereof if such be found. If such owner be unknown or cannot be ascertained, the officer may post written notice in three public places in the village, giving a description of the dog or cat, stating where it is
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impounded and the conditions for its release within 48 hours, Sundays excepted, after such officer shall have taken the cat or dog into his possession. If after seven days the owner does not claim the cat or dog, such officer or any party designated by the chief of police shall dispose of or arrange for the disposal of the dog or cat in a proper and humane manner. Every officer who has received a dog or cat under this subsection shall keep a record of the dog or cat, describing the dog or cat with reasonable certainty of identification and listing the name and address of the party to whom the dog or cat was delivered or the manner in which the dog or cat was otherwise disposed of. In addition, any person to whom the dog or cat is delivered must sign a statement to that effect giving his name, address and the date of delivery or receipt of the dog or cat.

(Code 1983, § 12.04(2)(b), (9); Ord. No. 2003-11, 5-19-03)

Sec. 10-122. Conditions of release.

The conditions of release for a licensed dog or cat shall be the reimbursement to the village clerk for any expenditures the village has incurred by impounding the dog or cat. The conditions for the release of an unlicensed dog or cat are the purchase of a license plus the reimbursement to the village clerk for the expenditures incurred by the village in impounding the dog or cat.

(Code 1983, § 12.04(3); Ord. No. 2003-11, 5-19-03)

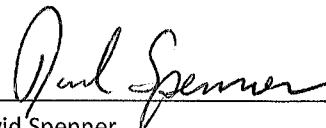
Sec. 10-123. Payment of fees.

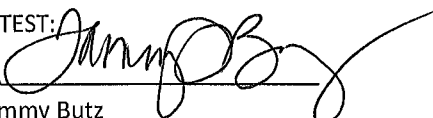
The owner of an impounded animal shall bear and be responsible for the payment of all impoundment fees, all expenses incurred during such impoundment, and all medical expenses incurred by any person by reason of injuries sustained by a fierce or vicious animal or by a suspected or known rabid animal.

(Code 1983, § 12.04(8)(e); Ord. No. 2003-11, 5-19-03)

Section 2. Severability. The several sections of this Ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections or portions thereof of the Ordinance. The remainder of the Ordinance shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

Section 3. This Ordinance shall take effect immediately upon passage and publication as provided by law. Passed and adopted by the Village Board of the Village of Kewaskum, Washington County, Wisconsin, this 20th day of March 2023.


David Spenner
Village President

ATTEST:

Tammy Butz
Assistant Administrator/Clerk