

CHAPTER 4

Ordinance No. 2016-01

AN ORDINANCE TO AMEND CHAPTER 4 DOGS AND OTHER ANIMALS OF THE CODE OF ORDINANCES

The Village Board of the Village of Rockdale, Dane County, Wisconsin, DO ORDAIN as follows:

1. Section 4.15 (E), Section 4.15 (F) and Section 4.15 (G) of the Rockdale Municipal Code is hereby recreated to read as follows:

(E) No person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep or fowl within the Village boundaries. License applications will be approved by the Village Board for chickens, honeybees and rabbits.

(F) Provisions for keeping of honeybees.

- (1) Application. A Honeybee License Application must be obtained and issued within 30 days of acquiring honey bees or the permit will be subject to a late fee. Application must be approved by the Village Board and license issued by the Clerk-Treasurer. See Village of Rockdale Fee Schedule for application fee. The Village Board and/or representative of the Village Board reserve the right to review the license for any reason and to investigate any complaints.
- (2) Additional Application Requirements.
 - (a) If the location of the hive is on a multi-family lot, all families sharing the property must give consent for the hives in addition to neighboring property consent as applicable.
 - (b) The applicant for the license notifies all residents of the property and the owner or operator of the property if the applicant is not the owner or operator.
- (3) Number of Hives. There must be no more than two hives of honeybees for every 2,000 square feet of property.
- (4) Water Source. Hives shall be provided with fresh water throughout the day and be designed to allow bees to access water by landing on a hard surface. (This is not required during the winter.)
- (5) Location of Hives and Fencing and Flyway Barriers. Hives may be no closer than 25 feet to an occupied building on a neighboring lot or border a public right-of-way (generally no front yard hives), unless yard housing honeybees has a privacy fence at least six feet in height or has a flyway barrier (wall, building, dense vegetation, or combination thereof) to fulfill fencing requirements.
- (6) Fencing Exemption. Yards that do not border a public right-of-way and are more than 25 feet from an occupied building on a neighboring lot may request an exemption from the fencing requirement. Applicants seeking a fencing exemption must complete the Fencing Exemption Petition for the Keeping of Honeybees showing that 100% of property owners on abutting lots give consent for the fencing exemption.
- (7) Public Nuisance. Care must be taken so as not to cause a public nuisance in your neighborhood. A Honeybee License may be revoked after public or anonymous complaint has been documented, investigated, and viewed by the Village Board.

(G) Provisions for the keeping of chickens. The keeping of chickens is allowed in the Village of Rockdale under certain restrictions to maintain a safe and healthy environment for both birds and the public.

- (1) Application. A Chicken License Application must be obtained and issued within 30 days of acquiring chickens or the permit will be subject to a late fee. Application must be approved by the Village Board and license issued by the Clerk-Treasurer. See Village of Rockdale Fee Schedule for application fee. The Village Board and/or representative of the Village Board reserve the right to review the license for any reason and to investigate any complaints.
- (2) A maximum of four (4) hens is allowed and zero (0) roosters may be kept within the village limits.
- (3) Additional Application Requirements.
 - (a) Applicant must complete the Wisconsin Department of Agriculture, Trade and Consumer Protection "Livestock Premises Registration Application." Your registration number must be provided on the application.
 - (b) If the location of the coop is on a multi-family lot, all families sharing the property must give consent for the coop in addition to neighboring property consent as applicable.
- (4) Village standards for operating and maintaining a chicken coop/loft.
 - (a) Feed must be stored in covered, rodent-proof containers. When feed is provided to the animal, it must be done in a manner that will not attract rodents.
 - (b) Birds must be tended to twice daily, assuring sufficient water, shelter (shade) and feed.
 - (c) Structures and grounds must be well maintained and in a clean and sanitary condition.
 - (d) Coop, feeding and lounging areas shall be cleaned of wet bedding and manure once per day.
 - (e) The "deep litter method" is not an acceptable method of coop sanitation and is not allowed.
 - (f) All animal waste (fecal matter, bedding, food, etc.) shall be properly stored and disposed of at least once a week.
 - (g) Flies, rodents and noxious odors must be controlled.
 - (h) Chickens must be confined to the property.
- (5) Locating and constructing a coop/loft.
 - (a) The coop/loft must be located in the rear yard and must be 25 feet from any neighboring occupied building.
 - (b) The maximum height of the structure must be no more than 12 feet from the ground to the rooftop.
 - (c) If the proposed building is 120 square feet or larger, a building permit must be obtained by the property owner or a licensed contractor.
 - (d) If electricity is provided for heating or lighting, an electrical permit must be obtained by the property owner or a licensed contractor. No extension cord is allowed.
- (6) No slaughtering.
 - (a) Any slaughtering of birds is prohibited within the Village limits unless where zoned agricultural.
- (7) Public Nuisance. Care must be taken so as not to cause a public nuisance in your neighborhood. A Chicken License may be revoked after public or anonymous complaint has been documented, investigated, and viewed by the Village Board.

2. Section 4.15 (H) is hereby added to read as follows:

(H) Provisions for the keeping of rabbits.

- (1) Application. A Rabbit License Application must be obtained within 30 days of acquiring rabbits or the permit will be subject to a late fee. Application must be approved by the Village Board and license issued by the Clerk-Treasurer. See Village of Rockdale Fee Schedule for application fee. The Village Board and/or representative of the Village Board reserve the right to review the license for any reason and to investigate any complaints.
- (2) A maximum of six (6) rabbits is allowed and may be kept within the village limits.
- (3) No slaughtering.
 - (a) Any slaughtering of rabbits is prohibited within the Village limits unless where zoned agricultural.
- (4) Rabbits shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.
- (5) No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.
- (6) (7) Public Nuisance. Care must be taken so as not to cause a public nuisance in your neighborhood. A Rabbit License may be revoked after public or anonymous complaint has been documented, investigated, and viewed by the Village Board.


This ordinance shall be effective the day after proof of posting.

The above and foregoing Ordinance was duly adopted at a regular meeting of the Rockdale Village Board on the 18th day of April, 2016.

APPROVED:


Kimberly A. Zuelsdorf, Village President

ATTEST:


Linda L. Dieckhoff, Village Clerk-Treasurer

Posted: April 18, 2016

Chapter 4 DOGS AND OTHER ANIMALS

Sections:

- 4.01 Definitions.
- 4.02 License required.
- 4.03 Rabies vaccination required for license.
- 4.04 Issuance of dog licenses.
- 4.05 Late fees.
- 4.06 Rabies quarantine.
- 4.07 Restrictions on keeping of dogs, cats, fowl and other animals.
- 4.08 Dogs running at large.
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- 4.18 Providing proper shelter.
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- 4.20 Cruelty to animals and birds prohibited.
- 4.21 Limitation on number of dogs and cats.
- 4.22 Trapping of animals.
- 4.23 Violation—Penalty.

4.01 DEFINITIONS.

In this chapter, unless the context or subject matter otherwise require:

“Animal” means mammals, reptiles and birds.

“At large” means to be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of the dog or cat, shall be deemed to be upon the owner’s premises.

“Cat” means any feline, regardless of age or sex.

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

“Dog” means any canine, regardless of age or sex.

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

“Law enforcement officer” has that meaning as appears in Section 967.02(5), Wis. Stats., and includes a humane officer, but does not include a conservation warden.

“Neutered” means a dog or cat having nonfunctional reproductive organs.

“Owner” means any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat 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 or cat within the meaning of this chapter.

“Pet” means an animal kept and treated as a pet.

“Residential lot” means 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 lot.

“Restrain” means and 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.

“Untagged” means 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.

4.02 LICENSE REQUIRED.

It is unlawful for any person in the Village to own, harbor or keep any dog more than five (5) months of age after July 1st of the license year without complying with the provisions of this chapter relating to the listing, licensing and tagging of the same. Kennels are not permitted within the Village.

4.03 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 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 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 Section 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 unsplayed, 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 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 subsection do not apply to a dog which is not required to be vaccinated under subsection (A) of this section.
- (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) 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.

4.04 **ISSUANCE OF DOG LICENSE.**

- (A) It is unlawful for any person in the Village to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sections 174.05 through 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

- (B) The owner of any dog more than five (5) months of age on January 1st 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.
- (C) The minimum license tax under this section shall be set by resolution of the Village Board.
- (D) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 4.03 of this chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license tag for such dog containing all information required by state law.
- (E) 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 4.03(E).
- (F) 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.
- (G) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Clerk-Treasurer upon application therefore.

4.05 **LATE FEES.**

The Village Clerk-Treasurer shall assess and collect a late fee of five dollars (\$5.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1st of each year, or within thirty (30) days of acquiring ownership of a licensable dog if the owner failed to obtain a license on or before the dog reached licensable age. The late fee shall be charged in addition to the required license fee.

4.06 **RABIES QUARANTINE.**

- (A) Dogs and Cats Confined. If a district is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three (3) places in the Village notices of quarantine.
- (B) 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 of this section if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (C) Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.

- (1) Quarantine or Sacrifice of Dog or Cat. A law enforcement officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head.
 - (2) Sacrifice of Other Animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies.
- (D) Quarantine of Dog or Cat.
- (1) Delivery to Isolation Facility or Quarantine on Premises of Owner. A law enforcement officer who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.
 - (2) Health Risk to Humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this subsection, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
 - (3) Risk to Animal Health.
 - (a) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
 - (b) If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal

leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

- (4) Destruction of a Dog or Cat Exhibiting Symptoms of Rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (E) 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 prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State of 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.
- (F) Cooperation of Veterinarian. Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Village, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (G) Responsibility for Quarantine and Laboratory Expenses. The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

4.07 **RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL AND OTHER ANIMALS.**

- (A) Restrictions. It is unlawful for any person within the Village 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) 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 4.14 of this chapter);
- (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.
- (B) (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises.
- (2) No person shall harbor or permit to remain on his or her premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (C) Animals Restricted on Public Grounds and Cemeteries. No dog shall be permitted in any public playground, school grounds, public park, beach, or swimming area within the Village unless such dog is on a leash and under control. Dogs are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this section.
- (D) Owner's Liability for Damage Caused by Dogs—Penalties. The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are adopted and incorporated herein by reference.

4.08 **DOGS RUNNING AT LARGE.**

A dog shall not be considered to be running at large if it is on a leash not to exceed ten (10) feet in length and under control of a person physically able to control it when the animal is off of the owner's premises.

4.09 **IMPOUNDMENT OF ANIMALS.**

Animal Control Agency

- (A) The Village 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 impoundment animals and for assisting in the administration of rabies vaccination programs.
- (B) The Village delegates to any such animal control agency the authority to act.
- (C) The Village is not liable for impounding animals. The Village and/or the police department shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this section.

4.10 DUTY OF OWNER IN CASE OF DOG OR CAT BITE.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to Dane County Public Safety Communications Center, non-emergency number 608-255-2345, for serious injury call 911; and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as directed. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

4.11 DANGEROUS ANIMALS.

Keeping of Animals Prohibited. It is unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village:

- (A) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxed and wild and exotic cats.
- (B) Any animal having poisonous bites.

4.12 ANIMAL FECES.

- (A) Removal of Fecal Matter. The owner or person in charge of any dog, cat, horse, or other animal shall not permit 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 the owner or person in charge. This section shall not apply to a person who is visually or physically handicapped.
- (B) Accumulation of Fecal Matter Prohibited on Private Yards. The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his or her own property by regularly patrolling and properly disposing of the fecal matter.

4.13 INJURY TO PROPERTY BY ANIMALS.

It is 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.

4.14 BARKING DOGS OR CRYING CATS.

It is 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 declared to be a public nuisance. Any dog or cat considered to be in violation of this section can be reported to Dane County Public Safety Communications Center, non-emergency number 608-255-2345. All complaints will be investigated and will be dealt with fairly within the laws of the state.

4.15 **PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS—FARM ANIMALS.**

- (A) Protected Animals.
- (1) Possession and Sale of Protected Animals. It is unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village, any exotic animals, alive or dead, or any part or product thereof.
 - (2) Compliance With Federal Regulations. It is unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969.
 - (3) Regulating the Importation of Certain Birds. No person firm or corporation shall import or cause to be imported into the Village 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 of use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (B) Exceptions. The provisions of subsection A of this section shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.
- (C) Wild Animals—Prohibition on Keeping. It is unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the Village any exotic animal, poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities.
- (D) Exceptions—Pet Shops. The prohibitions of subsection C of this section shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:
- (1) Their location conforms to the provisions of the zoning ordinance of the Village;
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
 - (3) Animals are maintained in quarters so constructed as to prevent their escape;

- (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.
- (E) No person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl within the Village boundaries. Permission for the keeping of hens may be granted by the Village Board.

4.16 SALE OF RABBITS, CHICKS OR ARTIFICALLY COLORED ANIMALS.

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.

4.17 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

- (A) 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 chapter.
- (B) The food shall be sufficient to maintain all animals in good health.
- (C) 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.

4.18 PROVIDING PROPER SHELTER.

- (A) Proper Shelter. No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section
- (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 subsection, "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.

4.19 **NEGLECTED OR ABANDONED ANIMALS.**

(A) Neglected or Abandoned Animals.

(1) No person may abandon any animal.

(2) Any law enforcement 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 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 is lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he or she shall prove that such killing was unwarranted.

(5) Section 173.10, Investigation of Cruelty Complaints, and Section 173.24, Wis. Stats., Expenses of Investigation, are 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.

4.20 **CRUELTY TO ANIMALS PROHIBITED.**

(A) Use of Poisonous and Controlled Substances. No person may expose any pet animal owned by another to any known poisonous substance or

controlled substance, 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.

- (B) Shooting at Caged or Staked Animals. No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a manmade enclosure, regardless of size.

4.21 **LIMITATION ON NUMBER OF DOGS AND CATS.**

- (A) Dogs. No more than three dogs shall be kept, harbored, or maintained at any residential unit within the Village limits, except that a litter of pups or a portion of a litter may be kept for not more than ten (10) weeks from birth.
- (B) Cats. No more than three cats shall be kept, harbored, or maintained at any residential unit within the Village limits, except that a litter of kittens or a portion of a litter may be kept for not more than ten (10) weeks from birth.
- (C) The total number of dogs and cats in any one residential unit shall not exceed six.

4.22 **TRAPPING OF ANIMALS.**

- (A) In the interest of public health and safety, it is unlawful for any person, in or on Village owned land within the Village, 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.
- (B) This section shall prohibit the use of all traps 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.
- (C) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (D) This section shall not apply to trapping on private property.
- (E) Nothing in this section shall prohibit or hinder the Village or its employees or agents from performing their official duties.

4.23 **VIOLATION—PENALTY.**

- (A) Any person violating Sections 4.18 through 4.22 of this chapter shall be subject to penalties in an amount to be set by motion of the Village Board. This section shall also permit the Village appointed attorney to apply to

the Municipal Court for a temporary or permanent injunction restraining any person from violating any aspect of this chapter.

- (B) (1) Anyone who violates Sections 4.01 through 4.04 of this chapter or Chapter 174, Wis. Stats., shall be subject to penalties in an amount to be set by motion of the Village Board.
- (2) An owner who refuses to comply with an order issued under Section 4.06 of this chapter 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 subject to penalties in an amount to be set by motion of the Village Board.
- (C) Any person who violates Section 4.06 through 4.17 of this chapter shall be subject to penalties in an amount to be set by motion of the Village Board.
- (D) 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 may be subject to immediate seizure, impoundment and removal from the Village. The Village Board designee may remove the dog from the Village in the event the owner or keeper of the dog fails to do so. 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.

Chapter 4 adopted at a regular meeting of the Village Board of Trustees of the Village of Rockdale held on December 20, 2010, by a vote of 4 ayes, 0 nays, and 1 not voting (absent).

APPROVED;

By: Suzanne S. Hotter
Suzanne S. Hotter, Village President

Attest: Peggy Keach
Peggy Keach, Clerk-Treasurer

Approved : 12-20-10

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