

**ORDINANCE NO. 375
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ORDINANCE NO. 375
REGULATION OF DOGS AND ANIMAL
CONTROL

WHEREAS, EVERY PERSON PURSUANT TO CHAPTER 174 WISCONSIN STATUTES, RESIDING IN THE COUNTY OF IOWA, WHO OWNS A DOG THAT IS AT LEAST FIVE (5) MONTHS OF AGE IS SUBJECT TO REGULATION.

WHEREAS, THE IOWA COUNTY LAW ENFORCEMENT COMMITTEE RECOMMENDS THE COUNTY BOARD ENACT THE FOLLOWING ORDINANCES GOVERNING THE REGULATION OF ANIMALS.

NOW THEREFORE, PURSUANT TO THE PROVISIONS OF CHAPTER 170, 172, 173, 174, 951 AND 95.21 OF THE WISCONSIN STATUTES, THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF IOWA DOES ORDAIN AS FOLLOWS:

AMENDING CODE: THE CODE OF IOWA COUNTY ORDINANCES IS HEREBY AMENDED BY ADDING THERETO **SECTION 375 DOGS AND ANIMAL CONTROL**, A NEW SECTION TO READ AS FOLLOWS:

PURPOSE AND INTENT. THE PURPOSE OF THIS ORDINANCE IS TO PROMOTE HEALTH, SAFETY AND GENERAL WELFARE OF ANIMALS AND THE PEOPLE AROUND THEM BY REQUIRING THAT ANIMALS BE CARED FOR IN SUCH A MANNER THAT THEY WILL NOT BECOME A PUBLIC NUISANCE, REQUIRING ANIMALS BE PROPERLY FED, SHELTERED AND CARED FOR, REQUIRING THE REMOVAL OF ANIMAL DEFECATION FROM PUBLIC PROPERTY AND TO ENSURE LICENSING AND RABIES VACCINATION OF ALL DOGS IN IOWA COUNTY.

375.01 DEFINITIONS. AS USED IN THIS ORDINANCE, THE FOLLOWING TERMS MEAN:

1. **ADULT DOG.** A DOG OVER FIVE (5) MONTHS OF AGE.
2. **ANIMAL.** ANY LIVE VERTEBRATE OR INVERTEBRATE CREATURE, EITHER DOMESTIC OR WILD.
3. **ANIMAL AT LARGE.** AN ANIMAL SHALL BE DEEMED TO BE AT LARGE WHEN OFF THE PROPERTY OF THE OWNER AND NOT UNDER RESTRAINT OR CONTROL.
4. **ANIMAL CONTROL OFFICER.** ANY PERSON DESIGNATED BY THE IOWA COUNTY SHERIFF'S DEPARTMENT TO ENFORCE COUNTY ORDINANCES AND STATE STATUTES, ADOPTED BY REFERENCE, AS THEY PERTAIN TO ANIMAL CONTROL.

5. ANIMAL SHELTER. ANY FACILITY OPERATED BY A HUMANE SOCIETY, IOWA COUNTY OR AN AUTHORIZED AGENT, FOR THE PURPOSE OF IMPOUNDING AND CARING FOR ANIMALS, HELD UNDER THE AUTHORITY OF THIS ORDINANCE AND/OR STATE LAW.
6. ANIMAL SHELTER. **ON MARCH 4, 2004 DEFINITION WILL BE AS FOLLOWS:** ANIMAL SHELTERS ARE FACILITIES THAT ARE USED TO IMPOUND OR HARBOR AT LEAST 25 SEIZED, STRAY, ABANDONED, OR UNWANTED DOGS, CATS, OR OTHER ANIMALS IN A YEAR'S TIME. A SHELTER MAY BE OPERATED BY A GOVERNMENTAL UNIT OR A LICENSED VETERINARIAN. IT MAY ALSO BE A FACILITY THAT PROMOTES THE WELFARE, PROTECTION AND HUMANE TREATMENT OF ANIMALS, SUCH AS THOSE OPERATED BY HUMANE SOCIETIES, ANIMAL WELFARE SOCIETIES OR SIMILAR NONPROFIT ASSOCIATIONS.
7. CONFINED. RESTRICTION OF AN ANIMAL AT ALL TIMES BY THE OWNER, OR HIS AGENT, TO AN ESCAPE PROOF BUILDING OR OTHER ENCLOSURE.
8. COUNTY POUND. A SHELTER WHERE STRAY, IMPOUNDED, LOST OR ABANDONED ANIMALS ARE KEPT AND ADMINISTERED BY IOWA COUNTY OR ITS AUTHORIZED AGENT.
9. DOMESTIC ANIMAL. ANY ANIMAL WHICH NORMALLY CAN BE CONSIDERED TAME AND CONVERTED TO HOME LIFE.
10. DWELLING UNIT. A BUILDING, OR PORTION THEREOF, DESIGNED OR USED EXCLUSIVELY FOR RESIDENTIAL PURPOSES.
11. EXOTIC DOMESTIC ANIMAL. ANY WILD ANIMAL WHICH IS NOT NATIVE TO WISCONSIN AND MAY HAVE BEEN DOMESTICATED, SUCH AS FERRETS AND PRIMATES.
12. HEALTH OFFICER. IOWA COUNTY DIRECTOR OF HEALTH OR A DULY DESIGNATED REPRESENTATIVE OF THE IOWA COUNTY DEPARTMENT OF PUBLIC HEALTH.
13. HUMANE CARE. HUMANE CARE INCLUDES THE PROVISION OF ADEQUATE AND ACCESSIBLE FOOD AND WATER, AS WELL AS HEATING, COOLING, VENTILATION, SANITATION, SHELTER AND MEDICAL CARE CONSISTENT WITH THE NORMAL REQUIREMENTS, BASED ON THE ANIMAL'S SIZE, SPECIES AND BREED. THE ANIMALS MUST ALSO BE PROVIDED SPACE AND OPPORTUNITY FOR EXERCISE.
14. KENNEL. ANY PREMISE WHERE A PERSON OWNS OR ENGAGES IN THE BUSINESS, SERVICE OR HOBBY OF BOARDING, BREEDING, BUYING, SELLING, LETTING FOR HIRE OR TRADING MORE THAN 12 ADULT DOGS PER YEAR SOLELY ON ONE (1) PREMISE OR A COMBINATION OF PREMISES. THE BREEDING OR SELLING OF MORE THAN ONE (1) LITTER, PER OWNER OR BUSINESS, PER PREMISE PER YEAR.

AS OF MARCH 1, 2004 PET CARE OPERATIONS WILL BE SEPARATED INTO FOUR GROUPS. SEE THE FOLLOWING DEFINITIONS: ANIMAL SHELTERS, KENNELS, PET DEALERS AND PET BREEDERS.

15. **KENNEL** ON MARCH 1, 2004 DEFINITION WILL BE AS FOLLOWS: KENNELS ARE FACILITIES WHERE DOGS OR CATS ARE KEPT FOR 24 HOURS OR MORE FOR BOARDING, TRAINING OR SIMILAR PURPOSES FOR COMPENSATION. THE DEFINITION OF "KENNEL" DOES NOT INCLUDE AN ANIMAL SHELTER OR A FACILITY OWNED OR OPERATED BY A VETERINARIAN WHERE ANIMALS ARE BOARDED ONLY IN CONJUNCTION WITH THE PROVISION OF VETERINARY CARE.
16. **LICENSING AUTHORITY**. THE LICENSING AUTHORITY SHALL BE THE MUNICIPALITY (TOWNSHIP, VILLAGE OR CITY TREASURER) OR ITS DELEGATED COLLECTING AGENT.
17. **MINIMUM AGE SALE**. ON MARCH 1, 2004 DEFINITION WILL BE AS FOLLOWS: THE DEPARTMENT MUST ESTABLISH MINIMUM AGES FOR THE ANIMALS SOLD BY PERSONS REQUIRED TO BE LICENSED.
18. **OWNER**. ANY PERSON WHO OWNS, HARBORS OR KEEPS AN ANIMAL. WHERE AN ANIMAL IS KEPT BY A FAMILY, THE ADULT OWNER(S) SHALL BE RESPONSIBLE FOR THE REQUIREMENTS OF THIS ORDINANCE. ANY ANIMAL SHALL BE DEEMED TO BE HARBORED IF IT IS FED AND SHELTERED.
19. **PET BREEDERS**. ON MARCH 1, 2004 DEFINITION WILL BE AS FOLLOWS: PET BREEDERS ARE INDIVIDUALS, OTHER THAN PET DEALERS, WHO SELL OR OFFER TO SELL AT LEAST TWENTY-FIVE (25) DOGS OR CATS FOR RESALE AS PETS IN A YEAR.
20. **PET DEALERS**. ON MARCH 1, 2004 DEFINITION WILL BE AS FOLLOWS: PET DEALERS ARE INDIVIDUALS, OTHER THAN PET DEALERS, WHO SELL OR OFFER TO SELL AT RETAIL, EXCHANGE OR OFFER FOR ADOPTION AT LEAST 25 MAMMALS (WITH SOME EXCEPTIONS, SUCH AS LIVESTOCK) FOR ADOPTION AS PETS IN A SINGLE YEAR.
21. **PUBLIC NUISANCES**. ANY ANIMAL OR ANIMALS WHICH:
 - A. ATTACKS, HARASSES OR MOLESTS PASSERSBY OR PASSING VEHICLES.
 - B. ATTACKS PERSONS OR ANIMALS WITHOUT PROVOCATION.
 - C. TRESPASSES ON SCHOOL GROUNDS, PARKS OR CEMETERIES.
 - D. IS REPEATEDLY AT LARGE.
 - E. DAMAGES PRIVATE OR PUBLIC PROPERTY.

F. BARKS, WHINES OR HOWLS IN AN EXCESSIVE, CONTINUOUS OR UNTIMELY FASHION.

22. RESTRAINT. SECURING AN ANIMAL BY A LEASH OR LEAD; HAVING AN ANIMAL UNDER THE CONTROL OF A RESPONSIBLE PERSON AND OBEDIENT TO THAT PERSON'S COMMAND; OR HAVING THE ANIMAL WITHIN THE REAL PROPERTY LIMITS OF HIS OWNER.
23. SHELTER. AN ENCLOSURE TO PROTECT ANIMALS FROM THE ELEMENTS AND A STRUCTURE THAT PROVIDES A CLEAN, HEALTHY LIVING ENVIRONMENT.
24. SURRENDER STERILE. A SURGICAL PROCEDURE (NEUTERING OR SPAYING) THAT HAS BEEN PERFORMED ON AN ANIMAL THAT RENDERS IT INCAPABLE OF SIRING OR BEARING OFFSPRING.
25. TRAINED INDIVIDUAL. HAS THE MEANING AS DEFINED IN WISCONSIN ADMINISTRATIVE CODE, ATCP 13.
26. TRANSPORTATION. **ON MARCH 1, 2004 DEFINITION WILL BE AS FOLLOWS:** DATCP (DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION) REGULATIONS MUST COVER THE TRANSPORTATION OR MOVING OF ANIMALS BY PERSONS REQUIRED TO BE LICENSED.
27. VETERINARIAN. HAS THE MEANING AS DEFINED IN WISCONSIN ADMINISTRATIVE CODE, ATCP 13.
28. VETERINARY HOSPITAL/CLINIC. ANY ESTABLISHMENT MAINTAINED AND OPERATED BY A LICENSED VETERINARIAN FOR SURGERY, DIAGNOSIS AND TREATMENT OF DISEASE AND INJURIES OF ANIMALS.
29. VICIOUS ANIMALS. ANY ANIMAL THAT, WHEN UNPROVOKED, INFLECTS BITES OR THAT INJURES, KILLS OR ATTACKS A HUMAN BEING OR DOMESTIC ANIMAL ON EITHER PUBLIC OR PRIVATE PROPERTY.

NOTWITHSTANDING THE DEFINITION OF "VICIOUS ANIMAL" AS STATED ABOVE:

- A. NO ANIMAL MAY BE DECLARED VICIOUS IF DEATH, INJURY OR DAMAGE IS SUSTAINED BY A PERSON WHO, AT THE TIME OF SUCH WAS SUSTAINED, WAS COMMITTING A TRESPASS OF THE LAND OR CRIMINAL TRESPASS OF THE DWELLING UPON PREMISES OCCUPIED BY THE OWNER OF THE ANIMAL, OR WAS TEASING, TORMENTING, ABUSING OR ASSAULTING THE ANIMAL OR WAS COMMITTING OR ATTEMPTING TO COMMIT A CRIME OR VIOLATING OR ATTEMPTING TO VIOLATE AN ORDINANCE WHICH PROTECTS PERSONS OR PROPERTY.

- B. NO ANIMAL MAY BE DECLARED VICIOUS IF THE ANIMAL WAS PROTECTING OR DEFENDING A HUMAN BEING WITHIN IMMEDIATE VICINITY OF THE ANIMAL FROM AN UNJUSTIFIED ATTACK OR ASSAULT.
 - C. NO ANIMAL MAY BE DECLARED VICIOUS FOR ACTS COMMITTED BY SAID ANIMAL WHILE BEING UTILIZED BY A LAW ENFORCEMENT AGENCY FOR LAW ENFORCEMENT PURPOSES WHILE UNDER THE CONTROL AND DIRECTION OF A LAW ENFORCEMENT OFFICER.
30. WILD ANIMAL. ANY LIVE RACCOON, SKUNK, FOX, WOLF, POISONOUS SNAKE OR ANY SNAKE EXCEEDING THREE (3) FEET IN LENGTH, LEOPARD, PANTHER, TIGER, LION, LYNX OR ANY OTHER COLD- OR WARM-BLOODED ANIMAL, WHICH CAN NORMALLY BE FOUND IN THE WILD STATE.

ANY REFERENCE TO GENDER IN THIS ORDINANCE IS DEEMED TO BE GENDER NEUTRAL AND SHALL NOT AFFECT THE APPLICABILITY OF ANY PROVISION HEREIN.

375.02 LICENSING REQUIRED (1) LICENSE REQUIRED. THIS SECTION IS EFFECTIVE JULY 16. 2002. UNTIL SUCH EFFECTIVE DATE, THE RATES AND TERMS THEN IN EFFECT SHALL REMAIN EFFECTIVE.

- (A) DOG LICENSE
 - (1) ANY PERSON OWNING, KEEPING, HARBORING OR HAVING CUSTODY OF ANY DOG OVER FIVE (5) MONTHS OF AGE, WITHIN THE COUNTY OF IOWA, MUST OBTAIN A LICENSE AS HEREIN PROVIDED.
 - (2) WRITTEN APPLICATION FOR LICENSES SHALL BE MADE TO THE LICENSING AUTHORITY, WHICH SHALL INCLUDE THE NAME AND ADDRESS OF THE APPLICANT, DESCRIPTION OF THE ANIMAL, THE APPROPRIATE FEE AND RABIES CERTIFICATE ISSUED BY A LICENSED VETERINARIAN, AND IF APPLICABLE, WRITTEN PROOF THAT THE ANIMAL HAS BEEN RENDERED STERILE. ONLY A LICENSED VETERINARIAN MAY ADMINISTER A RABIES VACCINATION AND SIGN A RABIES CERTIFICATE.

- (3) LICENSING FOR THE KEEPING OF DOGS SHALL BE FOR A PERIOD OF ONE (1) CALENDAR YEAR.
- (4) APPLICATION FOR LICENSE MUST BE MADE WITHIN 30 DAYS AFTER OBTAINING A DOG OVER FOUR (4) MONTHS OF AGE, EXCEPT THAT THIS REQUIREMENT WILL NOT APPLY TO A NONRESIDENT KEEPING A DOG WITHIN IOWA COUNTY FOR NOT LONGER THAN 30 DAYS.
- (5) UPON ACCEPTANCE OF THE LICENSE APPLICATION, FEE AND RABIES CERTIFICATION, THE LICENSING AUTHORITY SHALL ISSUE A PAPER LICENSE ALONG WITH A DURABLE TAG, STAMPED WITH AN IDENTIFYING NUMBER AND THE YEAR OF ISSUANCE. TAGS SHOULD BE DESIGNED SO THEY MAY BE CONVENIENTLY FASTENED OR RIVETED TO THE ANIMAL'S COLLAR OR HARNESS.
- (6) THE LICENSING AUTHORITY SHALL MAINTAIN A RECORD OF THE IDENTIFYING NUMBERS OF ALL TAGS AND SHALL MAKE THIS RECORD AVAILABLE TO THE PUBLIC.
- (7) THE LICENSE YEAR COMMENCES ON JANUARY 1ST AND ENDS ON THE FOLLOWING DECEMBER 31ST. APPLICATIONS FOR LICENSE MAY BE MADE 30 DAYS PRIOR TO THE LICENSE YEAR. PERSONS APPLYING FOR A LICENSE DURING THE LICENSE YEAR SHALL BE REQUIRED TO PAY FIFTY PERCENT (50%) OF THE FEE STIPULATED IN THIS SECTION IF THE ANIMAL BECOMES FIVE (5) MONTHS OF AGE AFTER JULY 1ST OF THE LICENSING YEAR.
- (8) THE LICENSING AUTHORITY, OR AGENT, SHALL ASSESS AND COLLECT A LATE FEE OF FIVE DOLLARS (\$5.00) IF THE OWNER FAILS TO OBTAIN A LICENSE PRIOR TO APRIL 1ST OF EACH YEAR, OR WITHIN 30 DAYS OF ACQUIRING OWNERSHIP OF A LICENSABLE ANIMAL, OR IF THE OWNER FAILS TO OBTAIN A LICENSE ON, OR BEFORE, THE ANIMAL REACHES FIVE (5) MONTHS OF AGE. THE FIVE-DOLLAR (\$5.00) LATE FEE COLLECTED SHALL BE PAID INTO THE LOCAL TREASURY AS REVENUE OF THE TOWNSHIP, VILLAGE OR CITY IN WHICH THE LICENSE WAS ISSUED.

- (9) A LICENSE SHALL BE ISSUED AFTER SHOWING EVIDENCE OF CURRENT RABIES VACCINATION AND PAYMENT OF THE APPLICABLE FEE. APPLICABLE FEE WILL BE PER THE STATE OF WISCONSIN OR PER ORDINANCES OF THE CITY, VILLAGE OR TOWNSHIP WHERE RESIDING.
- (a) FOR EACH DOG NOT RENDERED STERILE.
 - (b) FOR EACH DOG RENDERED STERILE.
- (10) A DUPLICATE TAG MAY BE OBTAINED FROM THE LICENSING AUTHORITY. A NEW TAG WITH A NEW NUMBER SHALL BE FURNISHED TO THE OWNER IN PLACE OF THE ORIGINAL TAG UPON PRESENTATION OF THE LICENSE. THE LICENSING AUTHORITY SHALL THEN ENDORSE THE NEW TAG NUMBER ON THE LICENSE AND SHALL KEEP A RECORD IN THE FILE.
- (11) NO PERSON MAY USE ANY LICENSE FOR ANY ANIMAL OTHER THAN THE ANIMAL FOR WHICH IT WAS ISSUED.

(B) MULTIPLE LICENSE

- (1) ANY PERSON WHO KEEPS MORE THAN ONE DOG MAY, INSTEAD OF THE LICENSE TAX FOR EACH DOG REQUIRED BY THIS ORDINANCE, APPLY TO THE LICENSING AUTHORITY, OR AGENT FOR A MULTIPLE DOG LICENSE FOR THE KEEPING OF THE DOGS.
- (2) UPON PAYMENT OF THE REQUIRED MULTIPLE DOG LICENSE TAX AND UPON PRESENTATION OF EVIDENCE THAT ALL DOGS OVER FIVE (5) MONTHS OF AGE ARE CURRENTLY IMMUNIZED AGAINST RABIES, THE LICENSING AUTHORITY SHALL ISSUE THE MULTIPLE DOG LICENSE AND A NUMBER OF TAGS EQUAL TO THE NUMBER OF DOGS AUTHORIZED TO BE KEPT BY THE PERSON.
- (3) APPLICABLE FEE WILL BE PER THE STATE OF WISCONSIN OR PER ORDINANCES OF THE CITY, VILLAGE OR TOWNSHIP WHERE RESIDING.
- (A) SET FEE FOR 12 OR FEWER DOGS
 - (B) ADDITIONAL FEE FOR EACH DOG IN EXCESS OF 12

(4) UNLESS CLEARLY INAPPLICABLE, ALL THE PROVISIONS OF THIS ORDINANCE RELATING TO THE INDIVIDUAL DOG LICENSE TAX, LICENSES AND TAGS SHALL APPLY TO THE MULTIPLE DOG LICENSE.

(C) KENNEL LICENSE

(1) BEGINNING MARCH 1, 2004, NO PERSON WILL BE ALLOWED TO OPERATE AN ANIMAL SHELTER OR KENNEL OR ACT AS A PET DEALER OR PET BREEDER WITHOUT A LICENSE FROM DATCP (DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION). THE LICENSES WILL COVER A TWO YEAR PERIOD, EXPIRING ON OCTOBER 31 OF EVEN NUMBERED YEARS, AND ARE NONTRANSFERABLE. FEES ARE TO BE DETERMINED BY DATCP THROUGH ADMINISTRATIVE RULES. THE DEPARTMENT IS ALSO RESPONSIBLE FOR ESTABLISHING THE GROUNDS FOR LICENSE REVOCATION AND FOR ISSUING ORDERS TO BAR A PERSON WHO FAILS TO ACQUIRE THE REQUIRED LICENSE FROM SELLING OR MOVING ANY ANIMALS.

(2) PENALTY: WHOEVER DOES NOT OBTAIN A DOG LICENSE IS SUBJECT TO A FORFEITURE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00).

375.03 RABIES VACCINATION REQUIRED (1) THE OWNER OF A DOG SHALL HAVE THE ANIMAL VACCINATED BY A VETERINARIAN WITHIN 30 DAYS AFTER THE ANIMAL HAS REACHED FOUR (4) MONTHS OF AGE. AN OWNER WHO IMPORTS AN ANIMAL INTO IOWA COUNTY THAT HAS REACHED FOUR (4) MONTHS OF AGE MUST HAVE THE ANIMAL VACCINATED BY A LICENSED VETERINARIAN, AS EVIDENCED BY A CURRENT CERTIFICATE OF RABIES VACCINATION FROM WISCONSIN OR ANOTHER STATE.

(2) THE OWNER OF AN ANIMAL SHALL HAVE THE ANIMAL RE-VACCINATED:

- (A) WITHIN ONE (1) YEAR AFTER INITIAL VACCINATION.
- (B) BEFORE THE DATE THAT THE IMMUNIZATION EXPIRES AS STATED ON THE CERTIFICATE.
- (C) IF NO DATE IS SPECIFIED, WITHIN THREE (3) YEARS AFTER THE PREVIOUS VACCINATION.

(3) WHOEVER DOES NOT OBTAIN A RABIES VACCINATION IS SUBJECT TO A FORFEITURE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00).

375.04 DOGS AT LARGE OR UNTAGGED (1) ALL ANIMALS SHALL BE KEPT UNDER RESTRAINT AND SHALL NOT BE PERMITTED TO RUN AT LARGE.

(2) ALL OWNERS SHALL EXERCISE PROPER CARE AND CONTROL OF THEIR ANIMALS TO PREVENT THEM FROM BECOMING A PUBLIC NUISANCE.

(3) ANY ANIMAL DECLARED "VICIOUS" AS DEFINED IN SECTION 375.01 OF THIS ORDINANCE SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:

- (A) WHILE ON THE OWNER'S OR CARETAKER'S PROPERTY, A VICIOUS ANIMAL MUST BE:
 - (1) SECURELY CONFINED INDOORS.
 - (2) KEPT IN A SECURELY ENCLOSED AND LOCKED PEN OR STRUCTURE, SUITABLE TO PREVENT THE ENTRY OF YOUNG CHILDREN AND DESIGNED TO PREVENT THE ANIMAL FROM ESCAPING.
- (B) WHILE OFF THE OWNER'S OR CARETAKER'S PREMISES, THE VICIOUS ANIMAL MUST BE MUZZLED AND RESTRAINED BY A SUBSTANTIAL CHAIN OR LEASH NOT EXCEEDING FOUR (4) FEET IN LENGTH AND UNDER THE CONTROL OF A RESPONSIBLE PERSON. THE MUZZLE MUST BE MADE IN A MANNER THAT WILL NOT CAUSE INJURY TO THE ANIMAL OR INTERFERE WITH ITS VISION OR RESPIRATION, BUT MUST PREVENT IT FROM BITING OR INJURING ANY PERSON OR ANIMAL.
- (C) THE ANIMAL CONTROL OFFICER OR ANY LAW ENFORCEMENT OFFICER, AFTER CONDUCTING AN INVESTIGATION INTO THE CIRCUMSTANCES SURROUNDING AN UNPROVOKED ANIMAL ATTACK, IS HEREBY EMPOWERED TO DECLARE THE ANIMAL IN QUESTION VICIOUS. ANY ANIMAL OWNER AGGRIEVED BY SAID ORDER MAY PETITION THE IOWA COUNTY SHERIFF'S DEPARTMENT FOR A REVIEW OF THE ORDER IN ACCORDANCE WITH THE PROCEDURE SET FORTH HEREIN. UPON RECEIPT OF THE PETITION OF THE AGGRIEVED OWNER, THE IOWA COUNTY SHERIFF'S DEPARTMENT SHALL

SCHEDULE AND CONDUCT A HEARING. THE HEARING SHALL BE CONDUCTED IN CONFORMANCE WITH WI STATS, CHAPTER 227 ADMINISTRATIVE PROCEDURE AND REVIEW. AFTER THE HEARING THE OWNER, OR KEEPER OF THE ANIMAL, SHALL BE NOTIFIED IN WRITING OF THE DETERMINATION. IF THE OWNER OF KEEPER OF THE ANIMAL CONTESTS THE DETERMINATION, HE/SHE MAY, WITHIN 30 DAYS, PETITION FOR REVIEW OF THE DECISION BY THE IOWA COUNTY CIRCUIT COURT.

- (D) IN THE EVENT THE ANIMAL CONTROL OFFICER, OR LAW ENFORCEMENT OFFICER, HAS PROBABLE CAUSE TO BELIEVE THAT AN ANIMAL HAS CAUSED SERIOUS INJURY BY ATTACKING A PERSON OR PERSONS WITHOUT PROVOCATION, THE OFFICER MAY PROCEED UNDER CHAPTER 174 STATS.

(4) DOGS MUST WEAR LICENSE AND RABIES VACCINATION TAGS AT ALL TIMES WHEN OFF THE PREMISES OF THE OWNER WITH THE FOLLOWING EXCEPTIONS:

- (A) DURING COMPETITION.
- (B) DURING TRAINING.
- (C) WHILE SECURELY CONFINED INDOORS.
- (D) WHILE HUNTING.
- (E) WHILE SECURELY CONFINED IN A FENCED AREA.
- (F) WHILE HERDING OR CONTROLLING LIVESTOCK.

(5) THE PROVISIONS OF SECTION 174.02, WI STATS RELATING TO THE OWNER'S LIABILITY FOR DAMAGE CAUSED BY DOGS TOGETHER WITH THE PENALTIES THEREIN SET FORTH ARE HEREBY ADOPTED AND INCORPORATED HEREIN BY REFERENCE.

(6) WHOEVER VIOLATES 375.04, NEGLIGENTLY OR OTHERWISE, IS SUBJECT TO A FORFEITURE OF NOT MORE THAN ONE HUNDRED DOLLARS (\$100.00) FOR THE FIRST OFFENCE AND NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00) FOR THE SECOND AND SUBSEQUENT OFFENCES.

375.05 HARBORING OR KEEPING BARKING DOGS (1) PROHIBITED. IT SHALL BE UNLAWFUL FOR ANY PERSON KNOWINGLY TO KEEP OR HARBOR ANY DOG(S) WHICH HABITUALLY BARKS, HOWLS OR YELPS TO THE GREAT DISCOMFORT OF THE PEACE AND QUIET OF THE NEIGHBORING AREA, OR IN SUCH MANNER AS TO MATERIALLY DISTURB OR ANNOY PERSONS IN THE NEIGHBORING AREA WHO ARE OF ORDINARY SENSIBILITIES. SUCH DOGS ARE HEREBY DECLARED TO BE A PUBLIC NUISANCE.

(2) THIS SHALL NOT APPLY TO HOSPITALS CONDUCTED FOR THE TREATMENT OF SMALL ANIMALS OR TO THE PREMISES OCCUPIED OR USED BY THE TOWNSHIP POUNDS.

(3) WHOEVER VIOLATES 375.05, NEGLIGENTLY OR OTHERWISE, IS SUBJECT TO A FORFEITURE OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00).

375.06 ANIMAL WASTE (1) IT SHALL BE UNLAWFUL FOR ANY PERSON WITHIN THE COUNTY OF IOWA TO OWN, HARBOR OR KEEP ANY ANIMAL WHICH URINATES OR DEFECATES ON ANOTHER'S LAND OR ANY PUBLIC RIGHT OF WAY. IN THE EVENT THE ANIMAL DEFECATES ON ANOTHER'S LAND OR ANY PUBLIC RIGHT OF WAY; THE OWNER SHALL IMMEDIATELY REMOVE THE FECES IN A SANITARY MANNER.

(2) ALL PENS, YARDS, STRUCTURES OR AREAS WHERE ANIMALS ARE KEPT SHALL BE MAINTAINED IN A NUISANCE FREE MANNER. DROPPINGS AND MANURE SHALL BE REMOVED REGULARLY AND DISPOSED OF PROPERLY SO NOT TO ATTRACT INSECTS OR RODENTS, BECOME UNSIGHTLY OR CAUSE OBJECTIONABLE ODORS.

(3) WHOEVER VIOLATES 375.06, NEGLIGENTLY OR OTHERWISE, IS SUBJECT TO A FORFEITURE OF NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00).

375.07 ANIMAL CARE (1) NO PERSON OWNING, HARBORING OR HAVING CUSTODY OF AN ANIMAL SHALL FAIL TO PROVIDE IT WITH GOOD AND WHOLESOME FOOD AT LEAST ONCE DAILY AND PROVIDE A CONSTANT SUPPLY OF POTABLE WATER TO SUSTAIN THE ANIMAL IN GOOD HEALTH.

(2) NO PERSON SHALL FAIL TO PROVIDE ANY ANIMAL THAT HE/SHE OWNS, HARBORS OR HAS CUSTODY OF WITH SHELTER FROM INCLEMENT WEATHER OR TO ENSURE THE PROTECTION AND COMFORT OF THE ANIMAL. IN THE CASE OF DOGS AND CATS WHICH ARE KEPT OUTDOORS OR IN AN UNHEATED ENCLOSURE, SHELTER AND BEDDING SHALL BE PROVIDED AS SET FORTH IN THIS SECTION AS A MINIMUM.

(A) OUTDOOR STANDARDS. WHEN SUNLIGHT IS LIKELY TO CAUSE OVERHEATING OR STRESS TO ANY ANIMAL, SHADE SHALL BE PROVIDED BY NATURAL OR ARTIFICIAL MEANS TO ALLOW PROTECTION FROM THE DIRECT RAYS OF THE SUN. DOGS AND CATS KEPT OUTDOORS SHALL BE PROVIDED WITH

MOISTURE RESISTANT AND WIND RESISTANT SHELTER OF A SIZE WHICH ALLOWS THE DOG OR CAT TO TURN AROUND FREELY AND TO EASILY SIT, STAND AND LIE IN A NORMAL POSITION AND TO KEEP THE DOG OR CAT CLEAN, DRY AND COMFORTABLE. WHENEVER THE OUTDOOR TEMPERATURE FALLS BELOW 40 DEGREES FAHRENHEIT, CLEAN BEDDING MATERIAL SHALL BE PROVIDED IN SUCH SHELTERS FOR INSULATION AND TO RETAIN BODY HEAT OF THE DOG OR CAT. FECES SHALL BE REMOVED AS SPECIFIED IN 375.06(2).

- (B) INDOOR STANDARDS. ALL ANIMALS CONFINED TO A CAGE, KENNEL RUN OR SECURE ENCLOSURE OF ANY KIND, SHALL BE PROVIDED WITH QUARTERS IN A CLEAN CONDITION AND IN GOOD STATE OF REPAIR. EACH ANIMAL SHALL HAVE SUFFICIENT SPACE TO TURN AROUND FREELY AND TO EASILY SIT, STAND AND LIE IN A NORMAL POSITION. THE TEMPERATURE AND VENTILATION OF THE QUARTERS SHALL BE COMPATIBLE WITH THE HEALTH OF THE ANIMAL. THERE SHALL BE SUFFICIENT CLEAN, DRY BEDDING TO MEET THE NEEDS OF EACH INDIVIDUAL ANIMAL AND FECES SHALL BE REMOVED AS SPECIFIED IN 375.06(2).
- (C) IN THE CASE OF LIVESTOCK, NOTHING IN THIS SECTION SHALL BE CONSTRUED AS IMPOSING SHELTER REQUIREMENTS OR STANDARDS MORE STRINGENT THAN NORMALLY ACCEPTED HUSBANDRY PRACTICES.

(3) CHAINS, ROPES OR LEASHES SHALL BE SO PLACED OR ATTACHED THAT THEY CANNOT BECOME ENTANGLED WITH ANOTHER ANIMAL OR OBJECT AND SHALL BE OF SUFFICIENT LENGTH TO ALLOW THE ANIMAL PROPER EXERCISE AND CONVENIENT ACCESS TO FOOD, WATER AND SHELTER. SUCH CHAINS, ROPES OR LEASHES SHALL BE LOCATED SO AS NOT TO ALLOW SUCH ANIMAL TO TRESPASS ON PUBLIC OR PRIVATE PROPERTY BELONGING TO OTHERS OR IN SUCH A MANNER AS TO CAUSE HARM OR DANGER TO PERSONS OR OTHER ANIMALS.

(4) NO PERSON SHALL FAIL TO PROVIDE ANY ANIMAL THAT HE/SHE OWNS, HARBORS OR HAS CUSTODY OF WITH VETERINARY CARE WHEN NEEDED TO PREVENT SUFFERING.

(5) NO PERSON SHALL BEAT, CRUELLY ILL-TREAT, TORMENT, OVERLOAD, OVERWORK OR OTHERWISE ABUSE AN ANIMAL, OR USE ANY

DEVICE OR CHEMICAL SUBSTANCE WHEREBY PAIN, SUFFERING OR DEATH MAY BE CAUSED, WHETHER BELONGING TO HIMSELF OR ANOTHER, EXCEPT THAT REASONABLE FORCE MAY BE USED TO DRIVE OFF VICIOUS OR TRESPASSING ANIMALS. THIS PROVISION DOES NOT PROHIBIT TRAINING TECHNIQUES OR HUSBANDRY PRACTICES WHICH ARE ACCEPTABLE UNDER WISCONSIN LAW.

(6) NO PERSON SHALL ABANDON ANY ANIMAL HE/SHE OWNS, HARBORS OR HAS CUSTODY OF.

(7) NO PERSON SHALL TRANSPORT ANY ANIMAL IN THEIR POSSESSION IN A MANNER WHICH COULD CAUSE INJURY, PAIN, UNDUE STRESS OR DEATH TO THE ANIMAL.

(8) NO PERSON SHALL CAUSE, INSTIGATE OR PERMIT ANY DOGFIGHT, COCKFIGHT OR OTHER COMBAT BETWEEN ANIMALS OR BETWEEN ANIMALS AND HUMANS.

(9) NO PERSON SHALL EXPOSE ANY POISONOUS SUBSTANCES, WHETHER MIXED WITH FOOD OR NOT, SO THAT THE SAME SHALL BE LIABLE TO BE EATEN BY ANY ANIMAL, PROVIDED THAT IT SHALL NOT BE UNLAWFUL FOR A PERSON TO EXPOSE, ON HIS PROPERTY, POISONS DESIGNED FOR THE PURPOSE OF RODENT OR PEST ELIMINATION. THIS PROVISION SHALL NOT PROHIBIT HEALTH DEPARTMENT PERSONNEL OR LICENSED PEST-CONTROL OPERATORS FROM PROVIDING RODENT OR PEST-CONTROL SERVICES.

(10) ANY PERSON, WHO, AS THE OPERATOR OF A MOTOR VEHICLE, STRIKES A DOMESTIC ANIMAL, SHALL STOP AT ONCE AND SHALL ATTEMPT TO REPORT SUCH INJURY OR DEATH TO THE ANIMAL'S OWNER OR THE IOWA COUNTY SHERIFF'S DEPARTMENT.

(11) WHOEVER VIOLATES 375.07, NEGLIGENTLY OR OTHERWISE, IS SUBJECT TO A FORFEITURE OF NOT MORE THAN FIVE HUNDRED DOLLARS (\$500.00) AND SUBSEQUENT VIOLATIONS PER STATE STATUTE 951.18.

375.08 IMPOUND, QUARANTINE AND VIOLATION NOTICES (1)
UNRESTRAINED ANIMALS AND ANIMALS RUNNING AT LARGE SHALL BE TAKEN BY TOWNSHIP REPRESENTATIVES OR ANIMAL CONTROL OFFICER AND IMPOUNDED IN A TEMPORARY OR PERMANENT ANIMAL SHELTER AND CONFINED IN A HUMANE MANNER.

(2) AN OWNER RECLAIMING AN IMPOUNDED ANIMAL SHALL PAY THE IMPOUNDMENT FEE AND EXPENSES TO THE POUNDMASTER, OR ANY OTHER AUTHORIZED AGENT, AND COMPLY WITH PROVISIONS OF

375.02 AND 375.03 PRIOR TO THE RELEASE OF THE ANIMAL. IF THE OWNER DOES NOT PAY FEES, EXPENSES, LICENSE AND RECLAIM THE ANIMAL WITHIN SEVEN (7) DAYS OF BEING NOTIFIED OF THE IMPOUNDMENT, THE ANIMAL WILL BE PUT UP FOR ADOPTION WITHOUT FURTHER NOTIFICATION, AT THE OWNER'S EXPENSE. IF THE ANIMAL IS ADOPTED, THE EXPENSES AND FEES MAY BE PAID FOR BY THE NEW OWNER.

(3) ANY ANIMAL NOT RECLAIMED BY ITS OWNER WITHIN SEVEN (7) DAYS BECOMES THE PROPERTY OF THE AUTHORIZING AGENT AND MAY BE PLACED FOR ADOPTION OR HUMANELY EUTHANIZED.

(4) IF ANY ANIMAL WITH A CURRENT RABIES CERTIFICATE IS INVOLVED IN A BITE INCIDENT, THE OWNER SHALL ISOLATE AND CONFINE THE ANIMAL UNDER THE SUPERVISION OF A LICENSED VETERINARIAN FOR AT LEAST TEN (10) DAYS FROM THE DATE OF THE INCIDENT. SUPERVISION BY A VETERINARIAN INCLUDES, AT A MINIMUM.

- (A) EXAMINATION OF THE ANIMAL ON THE FIRST DAY BY A LICENSED VETERINARIAN OR A TRAINED INDIVIDUAL.
- (B) EXAMINATION OF THE ANIMAL ON ANY DAY BETWEEN DAY TWO (2) AND DAY NINE (9) BY A LICENSED VETERINARIAN OR A TRAINED INDIVIDUAL.
- (C) EXAMINATION OF THE ANIMAL ON DAY TEN (10) BY A LICENSED VETERINARIAN ONLY.

(5) ANY ANIMAL INVOLVED IN A BITE INCIDENT THAT HAS NOT BEEN VACCINATED, OR HAS NOT BEEN RE-VACCINATED WITHIN THE PRESCRIBED TIMES, MUST BE CONFINED AT A VETERINARIAN'S CLINIC AND BE UNDER THE SUPERVISION OF A LICENSED VETERINARIAN AS DEFINED ABOVE.

ANY ANIMAL BITE OR SCRATCH WHICH IS TREATED BY A PHYSICIAN OR PHYSICIAN'S ASSISTANT SHALL BE REPORTED TO THE IOWA COUNTY SHERIFF'S DEPARTMENT WITHIN 24 HOURS OF THE INCIDENT. THE INCIDENT SHALL BE REPORTED BY THE ANIMAL'S OWNER AND/OR THE VICTIM OR THE VICTIM'S GUARDIAN.

(6) ANY ANIMAL INVOLVED IN A BITE INCIDENT WHOSE OWNER RESIDES OUTSIDE OF IOWA COUNTY, SHALL BE IMPOUNDED AT THE OFFICE OF A LOCAL VETERINARIAN. THIS IMPOUNDMENT WILL BE AT THE OWNER'S EXPENSE AND WILL BE MANDATORY REGARDLESS OF THE STATUS OF CURRENT VACCINATION(S) OF THE ANIMAL. THIS PROVISION IS FOR PUBLIC SAFETY AND THE EFFECTIVE MANAGEMENT OF ANIMAL QUARANTINE AS SET FORTH IN THIS ORDINANCE.

(7) ANY LAW ENFORCEMENT OFFICER, HEALTH OFFICER OR ANIMAL CONTROL OFFICER WITH REASONABLE CAUSE TO BELIEVE AN ANIMAL HAS BITTEN A PERSON OR BEEN IN CONTACT WITH A RABID ANIMAL SHALL ISSUE A QUARANTINE ORDER. A QUARANTINE ORDER MAY BE DELIVERED BY PERSONAL SERVICE, REGISTERED MAIL OR BY POSTING A QUARANTINE SIGN IN TWO (2) CONSPICUOUS PLACES ON THE PROPERTY.

(8) IF A QUARANTINE CANNOT BE IMPOSED BECAUSE THE ANIMAL CANNOT BE CAPTURED, THE OFFICER MAY KILL THE ANIMAL. THE OFFICER MAY KILL THE ANIMAL ONLY AS A LAST RESORT, OR IF THE OWNER AGREES. THE OFFICER SHALL ATTEMPT TO KILL THE ANIMAL IN A HUMANE MANNER AND IN A MANNER WHICH AVOIDS DAMAGE TO THE ANIMALS HEAD.

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 AND MAY BE INFECTED WITH RABIES.

(9) FAILURE OF THE OWNER TO DELIVER AN ANIMAL TO A VETERINARIAN AS DIRECTED BY THE IOWA COUNTY SHERIFF'S DEPARTMENT OR ANY AUTHORIZED LAW ENFORCEMENT OFFICER WITHIN IOWA COUNTY, WITHIN 24 HOURS AFTER NOTICE, SHALL BE SUFFICIENT CAUSE FOR A JUDGE TO ISSUE AN ORDER AUTHORIZING THE ANIMAL CONTROL OFFICER OR RESPONSIBLE AGENCY TO SEIZE THE ANIMAL AND MAKE SUCH DELIVERY AS INTENDED, AT THE OWNER'S EXPENSE. 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.

(10) WHOEVER VIOLATES 375.08, NEGLIGENTLY OR OTHERWISE, IS SUBJECT TO A FORFEITURE OF NOT MORE THAN ONE THOUSAND DOLLARS (\$1000.00).

375.09 LIVESTOCK ON HIGHWAYS; PENALTY. NO LIVESTOCK SHALL RUN AT LARGE ON A HIGHWAY AT ANY TIME EXCEPT TO GO FROM ONE FARM PARCEL TO ANOTHER. IF THE OWNER OR KEEPER OF LIVESTOCK KNOWINGLY PERMITS LIVESTOCK TO RUN AT LARGE ON A HIGHWAY AND AFTER NOTICE BY ANY PEACE OFFICER FAILS TO REMOVE THE LIVESTOCK FROM THE HIGHWAY, THE OWNER OR KEEPER MAY BE FINED NOT MORE THAN TWO HUNDRED DOLLARS (\$200.00).

375.10 ENFORCEMENT (1) THE CIVIL AND CRIMINAL PROVISIONS OF THIS ORDINANCE SHALL BE ENFORCED BY EMPLOYEES OF THE IOWA COUNTY SHERIFF'S DEPARTMENT AND/OR OTHER PERSONS AUTHORIZED BY THE IOWA COUNTY SHERIFF'S DEPARTMENT. THIS ORDINANCE MAY BE ENFORCED BY CITATION OR CIVIL FORFEITURE.

(2) THE IOWA COUNTY SHERIFF'S DEPARTMENT PERSONNEL OR OTHER PERSONS AUTHORIZED BY THE IOWA COUNTY SHERIFF'S DEPARTMENT ARE AUTHORIZED TO CATCH AND IMPOUND ANIMALS AT LARGE WITH SUCH AUTHORIZATION TO INCLUDE THE PURSUIT OF ANIMALS UPON NON-ANIMAL OWNER PRIVATE PROPERTY. IT SHALL BE A VIOLATION OF THIS ORDINANCE TO INTERFERE WITH THE ANIMAL CONTROL OFFICER, LAW ENFORCEMENT OFFICER, TRAINED INDIVIDUAL OR IOWA COUNTY SHERIFF'S DEPARTMENT EMPLOYEE IN THE PERFORMANCE OF THEIR DUTIES.

MUNICIPAL CITATIONS

<u>ORDINANCE NO:</u>	<u>CHARGE</u>	<u>COSTS</u>	<u>TOTAL</u>
375.01	DEFINITIONS		
375.02	DOG LICENSE	50.00	151.00
375.03	RABIES VAC	100.00	213.00
375.04	DOG AT LARGE	100.00	213.00
	2 ND AND SUBSEQUENT	200.00	337.00
375.04	UNTAGGED	50.00	151.00
	2 ND AND SUBSEQUENT	100.00	213.00
375.05	HABITUAL BARK	50.00	151.00
375.06	ANIMAL WASTE	50.00	151.00
375.07	ANIMAL CARE	200.00	337.00
375.08	QUARANTINE	200.00	337.00
375.09	LIVESTOCK ON HWY	100.00	213.00
375.10	ENFORCEMENT		