

ORDINANCE NO. 460

Amending Animal Control

The West Salem Village Board of Trustees do hereby ordain as follows:

Section 1: That Section 11.08 Animal Control - Regulations and Licenses of the Village Code of Ordinances is hereby deleted and re-created in its entirety as follows:

11.08 Animal Control - Regulations and Licenses.

(A) State Statutes Adopted. Except as otherwise specifically provided in this Ordinance, the provisions of Section 951.01 through 951.18 relating to crimes against animals and Chapter 174 Wis. Stats., relating to dogs, are hereby adopted by reference and made a part of this Ordinance as though fully set forth herein. Any act required to be performed or prohibited by any statute incorporated herein by reference is required or prohibited by this Code. All references in 11.08 to "owner" or "owns" includes "anyone who owns, keeps, harbors or has custody of an animal".

(B) Licensing.

(1) Required. Any person who owns any dog over five (5) months of age residing in the Village must obtain a La Crosse County license as herein provided. No other animals within the Village require licenses.

(2) Application. Application for licenses shall be made to the Village Administrator and shall include name and address of applicant, description of the dog, the appropriate fee, whether the dog is sexed or neutered or spayed, and a rabies certificate issued by a licensed veterinarian or anti-rabies clinic, illustrating that the animal for which the license is sought has received current immunization for rabies. (Written proof is required from a licensed veterinarian that the dog being licensed has been neutered or

spayed.) Application for a license must be made within thirty (30) days after obtaining a dog over five (5) months, except that this requirement shall not apply to a owner with a dog within the Village for no longer than thirty (30) days.

(3) Fees. A license shall be issued after payment of the applicable fee as annually set forth by the County of La Crosse.

(4) Disbursement. All dog license tax revenues shall be disbursed by the Village Administrator in accordance with the provisions of Chapter 174 Wis. Stats. The Administrator may retain the portion of the license fee for Village funds as provided for in County Ordinance.

(5) Issuance. Upon acceptance of the license application and fee, the Village Administrator shall issue a durable tag, stamped with an identifying number and the year of issuance.

(6) License Exemptions. Every animal specially trained to assist any disabled person shall be exempt from any license fee, and every person owning such an animal shall annually receive a free license, if required, from the local collecting officer upon application and proof of training.

(C) Rabies Vaccination Required. The owner of every dog and cat residing in the Village of West Salem that is six (6) months of age or older shall arrange for the animal to be vaccinated against Rabies (Hydrobius), and thereafter on a regular basis such that the vaccination is always current. Any person owning any dog or cat and violates this Ordinance shall upon conviction forfeit not less than Fifty (\$50.00) Dollars or more than One Hundred (\$100.00) Dollars. Forfeiture amounts are subject to Village Board annual review and approval and may be changed from time to time by Village Board Resolution. No person shall own any animal which is rabid. The forfeitures for this violation are the costs described Sub (8) below plus One Hundred (\$100.00) Dollars.

(1) Rabies Quarantine or Sacrifice of Dog or Cat. An animal control or 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 or veterinarian shall then 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. The officer or veterinarian shall then kill the animal in a humane manner and in a manner which avoids damage to the animal's head.

(3) Quarantine Procedure. An animal control or other 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.

(4) 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 paragraph, "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 (1) 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.

(5) Risk to Animal's 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.

(6) Sacrifice 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. The officer or veterinarian shall then 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.

(7) Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene. An officer who kills an animal shall deliver the carcass to a veterinarian. 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 Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk of 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 which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.

(8) 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. This cost, if not voluntarily paid within thirty (30) days of written notice from the Village shall be assessed as part of a fine by the Village for ownership of a rabid animal. If the owner is unknown, the Village is responsible for these expenses.

(9) Village Not Liable for Destroying Animals. The Village, including, but not limited to, law enforcement or animal control officers, shall not be liable for the death of any animal which has been destroyed pursuant to this Section.

(D) Animals Running at Large and Barking Dogs. For the purposes of this Section, the phrase "running at large" embraces all other places within the Village except the owner's premises. This includes all streets, alleys, sidewalks or other public or private property which may abut the owner's premises. An animal off of the owner's premises is not running at large if under the control of a person by means of a chain, rope, or cord of sufficient strength to control the action of the animal.

(1) No person who owns any cattle, horses, mules, donkeys, sheep, goats, other bovinæ, swine, poultry or fowl, shall allow or permit the same to run at large within Village.

(2) It shall be unlawful for the owner of any animal to permit the same to run at large in the Village.

(3) (a) No owner shall keep or allow to be kept about the owner's premises any dog which shall repeatedly by barking, howling, or other noise disturb the peace and quiet of any person or persons in the vicinity thereof.

(b) It shall be unlawful for any person to keep or house a dog outside the primary residence, between the hours of 10:30 p.m. and 7:00 a.m. when the owner of the dog has been notified of three (3) verified complaints within any six-month (6) period made to the Police Department of frequent or habitual barking, howling, or other noise.

(4) No owner shall keep or allow to be kept a vicious dog. A vicious dog is defined as one which bites two (2) or more persons.

(5) It shall be unlawful for any owner to allow the owner's animal to cause any damage to, or in any way injure another's shrubs, trees, lawns, gardens, or any part of another's property, public or private. Should the animal defecate on public or private property, other than the owner's, the animal's owner is required to immediately remove the dispose of the feces in a sanitary manner.

(6) Impounding of Animals. In addition to any penalty hereinafter provided for a violation of this Ordinance, any animal control or law enforcement officer may impound any dog, cat, or other animal which bites, assaults or attacks any person or is found to be "running at large" within the Village limits.

(7) Claiming Animal; Disposal of Unclaimed Animals. After seizure of an animal pursuant to Ordinance 11.08, Section (D), by a law enforcement officer or animal control

officer, the animal shall be impounded. The officer shall notify the owner, personally or through U.S. Mail, if such owner is known to the officer or can be ascertained with reasonable effort. If within seven (7) days after such notice the owner does not claim such animal, the officer may authorize sale of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in an animal shelter or other similar facility for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, plus the actual cost of boarding the animal for each day or fraction thereof the dog or cat has been so impounded. Owners of unlicensed dogs shall also obtain a license prior to release of an impounded animal. No dog shall be released from the animal shelter or other similar facility without being properly licensed as required by Village Ordinance.

(8) Village Not Liable for Impounding Animals. The Village, including, but not limited to, law enforcement or animal control officers, shall not be liable for the death of any animal which has been impounded pursuant to this Section.

(E) Owning Pets/Animals. The owning of dogs, cats and rabbits in excess of the numbers listed herein, within the Village limits of West Salem, detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas and is hereby declared a nuisance, unless a written permit is obtained from the Village Administrator for the excess. (This Section does not apply to Veterinary Clinics or Animal Grooming Facilities located within areas Zoned Business, which incidental to their primary business board animals inside for fourteen (14) days or less.)

(1) No written permit is required from the Village Administrator for persons within the Village limits of West Salem who own no more than:

Two (2) dogs over the age of five (5) months;
Two (2) cats over the age of five (5) months;
Unlimited dogs, cats and rabbits under the age of five (5) months as long as they are the litter of the allowed number of dogs, cats and rabbits.

(2) Any animal owner who wishes to keep a number of animals in excess of the number permitted in Subsection (1) must request a special written permit from the Village

Administrator. This special written permit must be granted prior to the resident keeping an excess number of animals described in this Subsection and must be requested in writing on Village forms and contain the following information: owner's name, physical address where animals are kept, owner's mailing address and telephone number, description of all dogs, cats and rabbits kept at the address by animal name, age, sex, whether neutered or spayed, prior biting history, current licensure of dogs by license number, a copy of current rabies vaccination for all dogs and cats, a current photograph of each animal, a listing of all current veterinarians the animals see and continuing unlimited consent allowing all veterinarians that treat any of the listed animals to disclose the animals health and biting history to the Village, for each animal which will be kept outside for any period of time and not in the presence of the owner who also would be outside with the animal a description of any cage, fencing or housing to be provided for said animal, and amount of time each animal would be outside, and a description of why the requestor would like an additional animal. The fee for the initial permit application shall be set forth in Appendix "A" Fee Schedule, and no fee shall be required for renewal applications.

(3) The Village shall only issue a special written permit after a Village Board finding of fact that no nuisance will be created thereby. Examples of a nuisance would be excessive animal noises or smells on neighboring properties, excessive animals at large, and/or failure to pick up and dispose of animal wastes on owner's property every week. This listing of nuisance examples is not exhaustive. Renewal permits shall only be issued upon a finding of fact that no nuisance has been created or will be created thereby. Prior to acting on an initial or renewal permit request, the Village Administrator shall mail notice of such request to all property owners within Three Hundred (300') feet of the address where the excess animal is proposed to be kept at least ten (10) days prior to the Village Board meeting at which the permit request will be heard. The initial permit and renewal permit require Village Board approval after receiving recommendations from both the Village Administrator and Police Chief regarding any concerns or complaints.

(4) Initial permits issued by the Village under this Section shall be limited to a term of one (1) year and a renewal application will need to be filed upon the expiration of any permit which updates any change of information since

the previous application was filed. The Village Board shall issue renewal permits for periods of time as it determines at its discretion.

(5) The Village Board has the power to revoke the excess animal permit after a Village Board finding of fact that a nuisance exists or has been worsened by the allowance of the excess animal.

(F) Prohibited Animals.

(1) No person of any Zoning District of the Village of West Salem shall keep any of the following wild animals, nor shall any special written permits for the same be issued by the Village:

- (a) All poisonous reptiles and snakes;
- (b) Apes, chimpanzees, gibbons, gorillas, orangutans or baboons;
- (c) Constrictor snakes;
- (d) Coyotes;
- (e) Game cocks or other fighting birds;
- (f) Pumas (commonly known as cougars, mountain lions and panthers);
- (g) Wolves;

(2) No person who owns cattle, horses, mules, donkeys, sheep, goats, or other bovine, swine, poultry or fowl shall keep said animals within the Village limits except in areas Zoned Agriculture, nor shall any special written permits for the same be issued by the Village.

(3) Exceptions. The prohibitions set forth in Ordinance 11.08, Section (F), Subsection 1 and 2, shall not apply where the creatures are in the care, custody or control of: a State-licensed game farm; 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 or zoological gardens if:

- (a) Their location conforms to the provisions of the zoning ordinances of the Village;
- (b) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to minimize objectionable odors;
- (c) Animals are maintained in quarters so constructed as to prevent their escape;

(G) (1) Multiple Violations. Any person who has been cited for two separate offenses under Section 11.08 for the same animal shall be required to maintain said animal under the personal control of the owner at all times.

(2) Penalty. Any person violating any provision of this Section 11.08 shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars nor more than Two Hundred Fifty (\$250.00) Dollars for each offense. Each day of the violation shall constitute a separate offense. Forfeiture amounts are subject to Village Board annual review and approval and may be changed from time to time by Village Board Resolution.

Section 2: This Ordinance shall become effective and in full force and effect from and after its passage and publication as required by law.

DATED this 17th day of June, 2014.

Dennis Manthei, Village President

(VILLAGE SEAL)

Teresa L. Schnitzler
Village Administrator

ADOPTED: June 17, 2014

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