

Village of Desoto
Ordinance # 3

Animal Controls:
Regulations and Licenses

Section A: STATE STATUTES ADOPTED: Except as otherwise specifically provided in this Ordinance, the provisions of Section 948.01 through Section 948.17, WI Statutes 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 Ordinance.

Section B: LICENSING:

1. Required: Any person owning, keeping, harboring, or having custody of any dog over three (3) months of age must obtain a license as herein provided. This provision does not apply to the keeping of small caged animals, cats, birds or aquatic reptiles and amphibian animals solely as pets.
2. Exception: No license or permit shall be required of any humane society, municipal animal control facility or licensed veterinary clinic and/or strays held temporarily by designated "Animal Census Officer".
3. Application: Application for licenses shall be made to the Village Treasurer and shall include name and address of applicant, description of animal, the appropriate fee, information whether the animal is sexed or neutered and a rabies certificate issued by a licensed veterinarian or anti-rabies client, 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 animal being licensed has been neutered.) Application for a license must be made within thirty (30) days after obtaining a dog over three (3) months, except that this requirement will not apply to a non-resident keeping a dog within the Village for no longer than thirty (30) days.
4. Fees: A license shall be issued after payment of the applicable fee:

For each non-neutered male dog	\$8.00
For each non-spayed female dog	\$8.00
For each neutered male dog	\$3.00
For each spayed female dog	\$3.00
5. Exception: License fees shall not be required for Seeing Eye dogs or governmental police dogs, and licenses for above shall be issued without charge.
6. Duplicate: A duplicate license may be obtained upon payment of a two dollar (\$2.00) replacement fee.
7. Disbursement: All dog license tax revenues shall be disbursed by the Village Treasurer in accordance with the provisions of Chapter 174 of the WI Statutes.
8. Issuance: Upon acceptance of the licensed application and fee, the Village Treasurer shall issue a durable tag, stamped with an identifying number and year of issuance and:
 - (a) Dogs must wear identification tags at all times, except under any organized show or training.
 - (b) No person shall use any license receipt or license tag issued for one animal on another animal.

- (c) The Village Treasurer shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.
9. Terms: All licenses shall be issued for a term of one (1) year commencing with the first day of January of each year, and termination as of midnight on the last day of the licensing period. Application for licenses may be made from January 1 to April 1 of each year without penalty. Any license issued after April 1 of each year shall pay an additional five dollars (\$5.00), unless the owner can conclusively illustrate that the animal has been acquired by him in the last thirty (30) days prior to the application for a license, or that applicant has not established Village residency within the last thirty (30) days prior to the application. If not revoked, licenses for the keeping of dogs shall be for a period of one (1) year.
 10. Census: The Village of DeSoto, may at such intervals, utilizing appropriate notice to the public, employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and issue warnings to owners than and there to procure their rabies shots and licenses. The Village shall impose an additional charge of five dollars (\$5.00) for each license issued in the course of such census.
 11. Release from Impoundment: Any dog which has been impounded as a result of being lost or at large shall not be released to its owner until the owner can show proof of current rabies shots and has paid the license fee prescribed in this Section along with one dollar (\$1.00). For purpose of collection such fee under this subsection, the County of Vernon designated animal shelter is hereby designated the collecting official and said prescribed license fee along with the additional one dollar (\$1.00) shall be collected by the County of Vernon designated animal shelter. The prescribed license fee shall be submitted to the Village Treasurer and the additional one dollar (\$1.00) shall remain with the animal shelter.

Section C: ANNOYANCES:

1. No persons shall harbor or keep any dog or any other animal which would be a public nuisance as defined in this Ordinance.
2. Or by failure of the owner, caretaker or custodian to maintain in a clean and sanitary condition and free from objectionable odor, all structures, pens, yards and areas adjacent thereto wherein any dog or animal is kept.
3. Or by such conduct following failure of the owner, caretaker, or custodian to keep such dog or animal confined on his premises or under his immediate control.
4. No person shall tie, stake or fasten any dog within any street, alley, sidewalk or other public place within the Village, or in such a manner that the animal has access to any portion or any street, alley, sidewalk or other public or private property.
5. Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding, provided, however, a dog or cat may be kept on a leash when under the supervision of a responsible person.

6. No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance. Molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, parks, cemeteries, or trespassing upon private property, and barking or whining shall be deemed a nuisance.
7. No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibiting purposes, whether gratuitously or for a fee. This Section shall not be construed so as to apply to a zoo, theatrical exhibit or circus.

Section D: ANIMAL BITES: The owner of any dog, cat or other animal which has bitten any person shall, upon demand of the Humane Officer or Police Department, produce and surrender up such dog or cat or other animal to such department to be held in quarantine for a minimum of ten (10) days. During such quarantine the animal shall be securely confined and kept from contact with any other animal.

Section E: LIMIT OF DOGS: No individual owner or family unit living together, firm or corporation, shall keep more than two (2) dogs over the age of three (3) months within any residential district, excepting, however, bona fide “animal hospitals” in which the dogs are confined within a completely enclosed building, also the “Animal Census Officer” on a temporary basis. The term “residential district” as used in this Section shall be defined as those certain areas on which there are two (2) or more residences within a distance of three hundred (300) feet of each other.

Section F: RABIES VACCINATION REQUIRED: Every dog owned or kept in the Village that is five (5) months of age or older shall be vaccinated against rabies. Young dogs and cats shall be vaccinated within thirty (30) days after they have reached the age of five (5) months. Unvaccinated dogs and cats acquired or moved into the Village must be vaccinated within thirty (30) days of arrival, unless under five (5) months of age, as specified above. Every dog shall be vaccinated according to the recommendations of the vaccine used by the veterinarian administering such vaccinations. The certificate of vaccination shall specify the expected duration of immunity of the vaccine used. The administering veterinarian shall issue a tag upon completion of the rabies vaccination, and that tag must be attached to the dog collar. Proof of vaccination will be required prior to issuance of license.

Section G: IMPOUNDMENT OF ANIMALS:

1. Unrestrained animals, including dogs, may be taken by Police and/or designated “Animal Control Officer” and be impounded in an animal shelter and there confined in a humane manner. Impounded dogs shall be kept for not less than seven (7) days. The only exception be if the animal is claimed by the owner. If by a license tag or other means the owner can be identified, the Shelter Manager shall, within forty-eight (48) hours, Sundays and holidays excepted, notify the owner by telephone or mail of the impoundment of the animal.
2. Animals not claimed by their owners within the seven (7) days shall be deemed as being surrendered to the Humane Society and may be disposed of by the

Humane Society in a humane manner, and the original owner shall have no further claim against such animal.

3. Animals not claimed by their owners after the seven (7) days shall be made available for adoption to suitable new homes. Those dogs and cats not placed in suitable new homes after a reasonable length of time, or those animals deemed as being unsuitable for adoption, shall be humanely euthanized by the Shelter Manager, or by the an agency delegated by the Humane Society to exercise that authority.
4. The owner of any animals which have been impounded as a result of being at large or stray shall pay a reclaiming fee in order to regain possession of their animal. This fee shall be set by the Humane Society, with the approval of the Village Board, and shall cover all costs involved in the pickup and impounding of said animal. The owner may also be proceeded against, at the discretion of the Humane Officer, for violation of this Ordinance, and his license or permit may be revoked. The owner is responsible for the cost of the animal even of not reclaimed.

Section H: CRUELTY OF ANIMALS:

(1) No person shall confine and allow their animals to remain outside during adverse weather conditions constituting a health hazard to said animals; such act shall be deemed cruelty to animals and such animals may be impounded by the Humane Officer or his agent.

(2) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.

(3) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse any animal.

(4) No person shall cause or permit any dog fight, cockfight, bullfight or other combat between animals or between animals or humans.

(5) No owner of an animal shall abandon such animal.

(6) No theatrical exhibit or act shall be held in which animals are forced or encourages to perform through the use of chemical, electrical or mechanical devices.

Section I: PET LITTERING: No person owning, keeping, possessing or harboring an animal as a pet shall allow such animal to soil, defile, defecate on or commit any nuisance on any private or public property. The person responsible for such animal must immediately remove and dispose of all feces so deposited in a sanitary manner.

Section J: SHELTER REQUIRED: Every persons in charge of or control of any animal which is kept outdoors or in an unheated enclosure shall provide such animal with shelter and bedding as prescribed in this Section as a minimum. This shelter shall be as follows:

- (1) A moisture-proof structure.
- (2) Made of durable material.
- (3) Suitable in size to accommodate the dog or cat and allow for the retention of body heat.
- (4) A solid floor raised at least two inches (2") off the ground.
- (5) The entrance covered by a self-closing swinging covering or an "L" shaped entrance to prevent the wind from blowing directing into the house.
- (6) A sufficient quantity of suitable bedding material, to provide insulation and protection against the cold and dampness and promote the retention of body heat.
- (7) Sections 5 and 6 above may be suspended during the months of May through September, inclusive.

Section K: SHADE REQUIRED: Shade from direct rays of the sun during the months of June to September, inclusive, shall be provided for all animals kept outside, and all animals placed outside and restrained via leach or chain or confined in a pen. No animal can be put outside without shelter for more than one-half (1/2) hour at a time during inclement weather.

Section L: SPECIES PROHIBITED WITHIN THE VILLAGE: The species named in this section are by their nature or actions considered to be a public nuisance and are hereby declared to be a nuisance with the Village and may not be kept by any person within the Village limits. Species prohibited by this section include but are not limited to: livestock, including all cattle, horses, mules and donkeys, sheep and goats and swine: and also all mink, foxes, skunks, raccoons, chickens, geese, ducks, bees, poisonous snakes, alligators, crocodiles, and any other exotic species including any that may endanger public health.. This subsection does not apply to agricultural zoned districted of the Village and animals permitted in connection with lawful uses therein.

Section M: DOGS AT LARGE: All dogs shall be kept under restraint. No person shall permit his dog to run at large in the Village. Each owner of any such animal shall confine the same within the limits of his premises. For the purposes of this Section, the phrase "running at large" embraces all other places within the Village except the owners' premises. This includes all streets, alleys, sidewalks, or other public or private property which may be about the owner's premises.

Section N: RESTRAINT OF DOGS: Any person owning or having charge, custody, care or control of any dog shall keep such animal exclusively upon his own premises, which shall include his automobile, whether by personal or direct supervision, such as voice command of such person physically present, or by keeping such animal upon an appropriate chain or tie no less than six (6) feet in length or in enclosed yard, either walled or fenced, or in any other appropriate restraining enclosure. However, public access to one entrance of the owner's house must be provided without interference from such animal. Also, however, that such dog may be off such premises if it be restrained by

an appropriate leash or chain not exceeding six (6) feet in length, and in the hands of said persons indirectly controlling the movement of such animal, and provided that such leash or chain be in the hands of a person of sufficient strength to physically control such animal.

Section O: PROHIBITED AREAS FOR ANIMALS: Unless under proper restraint and or not posted and or prohibited by any state statutes, no animal shall be permitted access to any public place or facilities.

Section P: SANITARY ANIMAL PENS: Any persons owning, harboring, keeping, possession or in charge of any animal and housing or confining them in pens or enclosures shall regularly and as necessary clean and disinfect such pen or enclosure to maintain clean, sanitary and odor free conditions at all times. No animal feces shall be permitted to remain exposed upon private or public property.

ENFORCEMENT AND PENALTIES:

(A) INTERFERENCE: No person shall prevent, resist, or interfere with any of the officers or employees of the Village in the entering of any premises or the earring out of their duties.

(B) PENALTIES: Any person violating any provision of this Chapter, including those provisions of this Wisconsin Statutes or any other materials which are incorporated by reference, shall suffer one or all of the following penalties: provided, however, that in no case shall the forfeiture imposed for a violation of any provision of this Section exceed the maximum fine for the same offense under the laws of the State of Wisconsin.

(1) Whereas: The Village shall appoint as needed or as deemed necessary, an Animal Control Officer, to address and investigate any or all animal complaints and be empowered to issue warnings and or citations as found necessary.

2) Except as otherwise provided in this Code, any license or permit issued pursuant to this Chapter may be suspended or revoked by the Village Board after allowing the licensee or permitted a hearing on notice.

3) The first (1st) offence shall be dealt with a documented oral warning with thirty (30) days to correct violation. The second (2nd) offence will be dealt with a written citation and forwarded to the District Attorneys office of applicable county for prosecution if ; fines are not paid, damage has occurred and or citation is contested.

4) Any license or permit issued pursuant to this Chapter may be suspended or revoked by a court of competent jurisdiction upon conviction of an ordinance violation.

5) Upon conviction thereof, shall forfeit not less than fifty dollars (\$50.00) and not more than five hundred (\$500.00) and the costs of prosecution, and in default of payment of such forfeiture and the costs of prosecution shall be imprisoned in the County Jail until

payment of such forfeiture and costs of prosecution, but not exceeding ninety (90) days of each violation.

Amended and Approved 09/07/86, 11/07/86, 01/06/01 and 8-5-06.

Adopted this 5th day of August, 2006.

Chris Mussatti

Chris Mussatti, Village President

Attest: *Carrie A. Brudos*

Carrie A. Brudos, Clerk/Treasurer

Date Posted: 8-15-06