

## CHAPTER 11

### DOGS AND CATS

- 11.01 Licensing
- 11.02 Injury to Property
- 11.03 Manner of Keeping
- 11.04 Running at Large
- 11.05 Keeping Barking Dogs and Crying Cats
- 11.06 Keeping of Numerous Dogs and Cats in the Town
- 11.07 Cruelty to Animals
- 11.08 Wild or Vicious Animals
- 11.09 Rabies and Animal Bites
- 11.10 Miscellaneous

DOGS AND CATS 11.01

ST. GERMAIN 01/01/02

11.01 LICENSING. (1) LICENSING OF DOGS AND CATS. All dogs and cats kept or harbored within boundaries of the Town must be licensed and the license worn on a collar at all times. Such fee to coincide with State Statutes, \$5 for female, \$2 for male or spayed female. All dogs and cats over 5 months of age shall be licensed, renewable yearly. License deadline is February 1. Penalty for no license is \$5. Licenses may be obtained from the Town Treasurer or the shelter agent at the County Animal Shelter. Out-of-town license reciprocity will be honored.

(2) VACCINATION. Each dog owner shall have such dog inoculated with an avianized antirabic vaccine or any similar vaccine by a veterinarian every 2 calendar years commencing January 1, 1980.

(3) PENALTIES. (a) In addition to the penalties hereinafter provided, the Town Constable shall impound any such dog or cat which does not carry the tags. The owner may obtain possession of any dog or cat so impounded or seized by paying an impounding fee in accordance with the schedule set forth and paying the reasonable cost of keeping such dog or cat during the time that it is impounded, provided, however, that the dog or cat shall not be released until proof has been furnished to the Town Constable that the dog or cat has been inoculated with antirabic vaccine in accordance with the terms of this chapter. Such animal may be released temporarily to a licensed veterinarian or an employee of a licensed veterinarian for the purpose of inoculation with antirabic vaccine or for other treatment.

(b) After a dog or cat has been so impounded for a period of 7 days without having been reclaimed by its owner or by anyone on behalf of the owner, the dog or cat shall be destroyed under the direction of the county humane society. Notice of impounding shall be given by the person or officer in the possession of the dog or cat within 24 hours of impounding to the owner of the dog or cat, if known.

11.02 INJURY TO PROPERTY. (1) INJURY TO PROPERTY. No person owning or possessing a dog or cat shall permit such dog or cat to go upon any sidewalk, parkway or private lands or premises without the permission of the owner of such premises and break, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever or to defecate thereon.

(2) WASTE PRODUCTS ACCUMULATIONS. No person shall cause or permit a dog or cat to be on property, public or private, not owned or possessed by such person unless such person has in his immediate possession an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such a person. This section shall not apply to a person who is visually or physically handicapped.

DOGS AND CATS 11.03

11.03 MANNER OF KEEPING. (1) PENS, YARDS OR RUNS. All pens, yards or runs or other structures wherein any animal is kept shall be free of such constriction so as to be easily cleaned and kept in good repair.

(2) FENCES. Fences which are intended as enclosures for any animal shall be securely constructed, shall be adequate for the purpose, kept in good repair and shall not be allowed to become unsightly.

11.04 RUNNING AT LARGE. (1) PROHIBITION. (a) No person owning or possessing any dog or cat shall permit the same to run at large. For the purpose of this section, "running at large" shall be defined to be the presence of a dog or cat at any place except upon the premises of the owner.

(b) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(c) No dog or cat shall be permitted in any cemetery.

(d) No dog or cat shall be allowed in any parks, beaches or any swimming areas open to the public in the Town.

(2) IMPOUNDING DOGS AND CATS. (a) Whenever the Town Constable shall find any dog or cat running at large as defined in this chapter, he shall, if possible, pick up and impound such an animal.

(b) Whenever any impounded dog or cat shall bear an identification mark, such as a collar or license tag, the owner shall be notified immediately. Any dog or cat impounded shall be held for a period of 7 days. There shall be no required holding period before returning any impounded dog or cat to the owner, unless such dog or cat is suspected of having rabies, in which case the impounded dog or cat shall be held for a period of 7 days. At the end of 7 days the impounded dog or cat shall be disposed of unless the owner thereof shall reclaim such dog or cat. The owner claiming his dog or cat shall be charged \$3 per day for its keep and \$10 impoundment fee, plus license fee and penalty. Such payment to be paid to the shelter agent of the Town at time of release. The owner or keeper of any dog so confined shall be required, in addition, to post bail in the following amounts prior to reclaiming offending dog or cat:

1. \$25 for the first offense involving such dog or cat within one calendar year.
2. \$35 for the second and following offenses involving such dog or cat within one calendar year.

DOGS AND CATS 11.05

ST. GERMAIN 01/01/02

11.05 KEEPING BARKING DOGS AND CRYING CATS. (1) HARBORING.

No person shall knowingly 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 hereby declared to be a public nuisance.

(2) PETITIONS COMPLAINING OF VICIOUS OR BARKING DOGS OR CRYING CATS. Whenever any person shall complain to the Town Constable that a dog which habitually barks, howls or yelps or a cat which habitually cries or howls is being kept by any person in the Town, the Constable shall notify the owner of the dog or cat that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping or crying. A citation will be issued by the Town Constable to the offending party if complaints of vicious or barking dogs or crying cats are not corrected.

11.06 KEEPING OF NUMEROUS DOGS AND CATS IN THE TOWN. (1) NUISANCE. The keeping of an unlimited number of dogs and cats in the Town for a considerable period of time detracts from and, in many instances, is detrimental to the healthful and comfortable life for which such areas were created. The keeping of an unlimited number of dogs and cats is, therefore, declared to be a public nuisance.

(a) "Dog" shall mean any canine, regardless of age or sex.

(b) "Cat" shall mean any feline, regardless of age or sex.

(2) NUMBER OF DOGS AND CATS LIMITED. (a) No person or persons shall keep more than 4 dogs or 4 cats within the Town, with the exception that a litter of pups or a litter of kittens, or a portion of a litter may be kept for a period of time not exceeding 5 months from birth.

(b) The provisions of this section shall not apply to any establishment wherein dogs or cats are kept for breeding, sale, sporting purposes or boarding.

(3) KENNELS. A kennel license and special use permit shall be required for any household keeping more than 4 dogs over 5 months of age. The kennel license fee of \$25 is payable to the Town Treasurer. In the areas where kennels are permitted, no kennel shall be located closer than 100' to the boundary of the nearest adjacent residential lot.

11.07 CRUELTY TO ANIMALS. (1) PROHIBITED. No person shall willfully or maliciously inflict unnecessary or needless cruelty, torture, abuse or cruelly beat, strike or abuse any animal, or by an act, omission or neglect cause or inflict any unnecessary or

DOGS AND CATS 11.07(2)

unjustified pain, suffering, injury or death to any animal, whether such animal belongs to such a person or to another, except that reasonable force may be employed to drive away vicious or trespassing animals. Any unwanted animals should be delivered to the Town Constable for proper disposal.

(2) FOOD AND SHELTER. (a) No person in charge of any animal shall fail, refuse or neglect to provide such animal with food, potable water, shade or shelter, or to cruelly or unnecessarily expose any such animal in hot, stormy, cold or inclement weather, or to carry any such animal in or upon any vehicle in a cruel or inhumane manner.

(b) As used in this subsection:

1. "Shade" shall mean protection from the direct rays of the sun during the months of June through September.

2. "Shelter" as it applies to dogs shall mean a moisture-proof structure of suitable size to accommodate the dog and allow retention of body heat, made of durable material with a solid floor raised at least 2" from the ground and with the entrance covered by a flexible, wind-proof material. Such structure shall be provided with a sufficient quantity of suitable bedding to provide insulation and protection against cold and dampness.

11.08 WILD OR VICIOUS ANIMALS. (1) KEEPING OF WILD AND VICIOUS ANIMALS. (a) No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitions, circuses or licensed wild animal parks.

(b) No person shall keep or permit to be kept any wild animal as a pet, unless a permit is granted by the Wisconsin Department of Natural Resources.

(c) No person shall harbor or keep a vicious animal within the Town. Any animal which is found off the premises of its owner may be seized by the Town Constable and upon establishment, to the satisfaction of any court of competent jurisdiction, of the vicious character of the animal, it may be killed by the Town Constable or humane officer; provided, however, that this section shall not apply to animals under the control of a law enforcement or military agency, nor to animals which are kept for the protection of property, provided such animals are restrained by a leash or chain, cage, fence or other adequate means from contact with the general public or with persons who enter the premises with the actual or implied permission of the owner or occupant.

DOGS AND CATS 11.08(1)(d)

(d) The licensing authority may issue a temporary permit for the keeping, care and protection of any infant animal native to this area which has been deemed to be homeless.

(2) DEFINITIONS.

Vicious Animal. Any animal which has previously attacked or bitten any person or which has behaved in such a manner that the person who harbors such animal knows or should reasonably know that the animal is possessed of tendencies to attack or bite persons.

Wild Animal. Any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or bird of prey which can normally be found in the wild state.

11.09 RABIES AND ANIMAL BITES. (1) REPORTING. Anyone having knowledge or reason to believe that any animal in the Town has bitten a person shall report within 24 hours, so far as is known, the name and address of the owner and circumstances of the animal. Such report concerning bites shall be made to the Town Constable.

(2) CONTROL. (a) Whenever any domesticated animal has bitten a person, it shall be confined in such a place as the Town Constable may direct and for such a period of observation as may be necessary, unless such an animal is too vicious and dangerous to be impounded safely, in which case it may be killed and the head shipped to the State Laboratory of Hygiene for rabies examination.

(b) Whenever a wild animal has bitten a person, it shall be killed, avoiding damage to the head (brain) area, and shipped to the State Laboratory of Hygiene under refrigeration, but not frozen, for rabies examination.

11.10 MISCELLANEOUS. (1) All ordinances, in whole or in part, which conflict with the provisions of this chapter are hereby repealed.

(2) It is the intention of this chapter to protect the citizens from the ravages and damages caused by dogs and cats, particularly those owned by people who fail to respect the rights of others. It is not the intention of this chapter to penalize others, whose dog or cat may for the first time, and without their knowledge, cause disturbance.

(3) Should any section or provision of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this chapter as a

whole or any part thereof, other than the part so declared invalid.