

Chapter 10

ANIMALS

Article I. In General

Sec. 10-1. Care of animals generally.
Sec. 10-2. Cruelty.
Sec. 10-3. Food and water.
Sec. 10-4. Shelter.
Sec. 10-5. Area to be kept clean.
Sec. 10-6. Leashes.
Sec. 10-7. Enforcement.
Sec. 10-8. Animal removal.
Sec. 10-9. Exception.
Sec. 10-10. Keeping of Noisy Animals Prohibited.
Secs. 10-11--10-30. Reserved.

Article II. Dogs

Sec. 10-31. Penalties.
Sec. 10-32. Vicious dogs.
Sec. 10-33. Public policy.
Sec. 10-34. Running at large.
Sec. 10-35. Dog licenses.
Sec. 10-36. Keeping dogs.
Sec. 10-37. Exemption for new residents.
Secs. 10-38--10-60. Reserved.

Article III. Cats

Sec. 10-61. Vicious cats.
Sec. 10-62. Cat licenses.
Sec. 10-63. Clerk-treasurer to issue license.
Sec. 10-64. Cats running at large.
Sec. 10-65. Impoundment of cats.
Sec. 10-66. Number of cats limited.
Sec. 10-67. Shelter for cats kept outdoors.
Sec. 10-68. Cat excrement disposition.
Sec. 10-69. Complaint by citizen.
Sec. 10-70. Penalty.

ARTICLE I.

IN GENERAL

Sec. 10-1. Care of animals generally.

Any dog, cat or other domestic animal that is permitted by the Village shall be cared for, maintained and handled in a manner that is safe and sanitary.

(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-2. Cruelty.

No person may cause, allow or participate in the cruelty or mistreatment or death of any animal by beating, frightening, overburdening, neglecting and abusing, or use any device or chemical substance by which pain, suffering or death may result, whether the animal belongs to the inflictor or another, except when reasonable force is used to drive off vicious or other harmful trespassing animals. This ordinance is not intended to prevent the owner from properly using electronic training devices or harvesting an animal specifically raised for personal consumption. Harvesting of said animal shall be done so in an expedient humane manner, when applicable.

(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-3. Food and water.

No person owning or having custody of any animal may neglect or fail to provide the animal with necessary nourishment (food) at least once daily and provide the animal with a clean, fresh supply of water.

(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-4. Shelter.

No person may fail to provide any animal in his or her care:

(a) Shelter from inclement weather to ensure the protection and comfort of the animal.

(b) Shade when sunlight is likely to cause overheating or discomfort to any animal. Shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun, but still allow air to pass through to keep the animal cool.

(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-5. Area to be kept clean.

Any area where an animal is housed or allowed to remain shall be kept clean of feces, waste, trash or any other substances in order to keep the animal healthy and comfortable.

(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-6. Leashes.

Chains, ropes or leashes shall be placed or attached in a manner so that they cannot become entangled with another animal or object and shall be of sufficient length in proportion to the size of the animal to allow the animal proper exercise and convenient access to food, water and shelter. A leash shall be located so as not to allow the animal to trespass on public or private property or in such a manner as to cause harm or danger to persons or other animals. A leash shall be located so it does not allow the animal to jump over an obstacle where the leash can become entangled and the animal choke, be injured or die.
(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-7. Enforcement.

The Police Department or Humane Officer may enforce any provision of this chapter.
(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-8. Animal removal.

The Police Department or Humane Officer may confiscate and remove animals from a premise for violation of any part of this chapter. Animals removed because of such action may be stored or disposed of in a humane manner by the animal shelter or its designee. Probable cause that such a violation exists is sufficient reason to confiscate such animal. Conviction is not required.
(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-9. Exception.

This chapter does not apply to extermination of non-domestic animals, including but not limited to, rats, mice, skunks or other vermin.
(Ord. No. 06-2017, § 1, 07-13-2017)

Sec. 10-10. Keeping of Noisy Animals Prohibited.

No person shall keep, harbor or allow any animal over which he has either actual or constructive control to cause an annoyance anytime of the day or evening so as to not disturb the peace and quiet of the neighborhood/community from any frequent or habitual howling, yelping, barking or making of other noises where a person or persons within the Village of North Prairie or the surrounding area of the offending animal are affected by said noises. The keeping of and permitting such animal to violate the regulations of this Section shall constitute a public nuisance and shall be subject to an action for abatement of said nuisance by the Village. Said action for abatement shall be in addition to the penalties contained in Section (1).

(1) *Penalties.* Action for abatement shall be in addition to the penalties contained in Sec. 1.11 of the Municipal Code, Village of North Prairie, Wisconsin. Each day that the violation is permitted to continue may constitute a separate and individual offense under the Ordinance.
(Ord. No. 06-2017, § 1, 07-13-2017)

Secs. 10-11--10-30. Reserved.

ARTICLE II.

DOGS

Sec. 10-31. Penalties.

Violations of any section of this ordinance shall also constitute a public nuisance. Any person who shall violate any provision of this chapter or any order, rule or regulation made herein shall be subject to a penalty as provided in Sec. 1.11 of the Municipal Code, Village of North Prairie, Wisconsin.

All costs of prosecution, including any costs incurred by the Village in caring for such dog, and, in default of payment thereof, shall be imprisoned in the county jail until such forfeiture is paid. Such imprisonment shall not exceed 60 days.
(Ord. No. 06-2017, § 2, 07-13-2017)

Sec. 10-32. Vicious dogs.

It shall be unlawful to keep a vicious dog within the Village. An active showing of aggression or a previous incident where a dog has bitten, attacked or injured any person or any domestic animal, not limited to dogs and cats, without provocation shall be evidence enough that such animal is vicious.
(Ord. No. 06-2017, § 2, 07-13-2017)

Sec. 10-33. Public policy.

It is necessary in the interests of public health, safety and welfare that the keeping of dogs and other animals within the Village be regulated in order to prevent them from becoming public nuisances.
(Ord. No. 06-2017, § 2, 07-13-2017)

Sec. 10-34. Dogs running at large.

It shall be unlawful for the owner or keeper of any dog or any other animal to permit the same to run at large at any place within the Village. This section does not prohibit the owner or keeper of a dog from allowing the dog to run at large upon premises owned or occupied by the owner or keeper of such dog, provided the dog is under strict control at all times. The term "**control**" is defined as the ability to regulate such dog from leaving the boundaries of the owner's property or any property occupied by the owner/keeper of such dog. The owner/keeper should also have the power to control such dog by verbal commands. Any dog off of the owner's property shall be controlled by a leash being physically held by the person in control of said dog.
(Ord. No. 06-2017, § 2, 07-13-2017)

Sec. 10-35. Dog licenses.

The owner of a dog more than five months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license. By ordinance, the license fee for each dog shall be set by the Village Board from time to time for an unneutered male dog and an unspayed female, and as set by the Village Board from time to time

for a neutered male and a spayed female dog. The Village Board may, however, change these fees from time to time by separate resolution and impose penalties when necessary.
(Ord. No. 06-2017, § 2, 07-13-2017)

Sec. 10-36. Keeping dogs.

No owner, keeper or household shall be permitted to keep more than two dogs over the age of five months within the limits of the Village except in a dog pound. A dog pound means a public enclosure for stray or unlicensed dogs that is qualified and licensed, such as HAWS (Humane Animal Welfare Society of Waukesha County).

- (1) *Confinement of dogs.* It shall be the duty of the Police Department or any other officer appointed by the Village Board to apprehend any dog running at large within the Village (except when the dog is on the premises of its owner or keeper, or is accompanied by or under the control of its owner or keeper) and confine the dog in a suitable dog pound, such as HAWS or an animal hospital.
- (2) *Enforcement.* The Village Board shall from time to time appoint a qualified officer to apprehend and confine dogs in a pound or an animal hospital as provided in this section, and such officer shall have the power and authority to apprehend and confine dogs as provided in this section and may have the power and authority to enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this section. Such action shall be brought in the name of the Village. Such officer may be paid such compensation as the Village Board may determine by resolution.
- (3) *Disposition of unclaimed dogs.* The keeper of the pound or animal hospital shall keep all dogs apprehended as provided in this section for a period of seven days at the dog pound or hospital (unless claimed by the owner or keeper sooner), and if any dog is not reclaimed by the rightful owner within such time, the dog may be sold for the amount incurred in the apprehending, keeping and care of the dog or it may be destroyed in a proper and humane manner.
- (4) *Owner or keeper to pay costs.* The owner or keeper of any dog so confined may reclaim such dog at any time before the dog is disposed of as provided in this section, upon payment of all costs and charges incurred in the apprehension, keeping and care of the dog. Such fees shall be as set by the Village Board from time to time for the apprehension and care of the dog if such dog is reclaimed within 24 hours of apprehension. If such dog is reclaimed at any time after 24 hours of apprehension, and up to and including the seventh day, such fee shall be as set by the Village Board from time to time, plus any expenses for inoculations, medical treatment or disposal of the dog. In addition to the fees provided in this subsection, the owner or keeper of each dog shall also pay any expenses incurred by the dog pound or animal hospital.

(Ord. No. 06-2017, § 2, 07-13-2017)

Sec. 10-37. Exemption for new residents.

In the event a person or persons move into the Village owning more than two adult dogs, but less than six adult dogs, the owners of those dogs shall immediately register those dogs with the clerk-treasurer and pay

the appropriate dog license fees. Such owners shall then be permitted to maintain the dogs that were in their ownership when they moved into the Village until the number of dogs is reduced to the legal number two, either by death, transfer or sale. At that time, such owners shall comply with the two-dog maximum requirement. In any event, at the discretion of the Village Board, this exemption for dogs in excess of two per household for new residents shall terminate at the end of ten years from the date such residents took occupancy in the Village. (Ord. No. 06-2017, § 2, 07-13-2017)

Secs. 10-38--10-60. Reserved.

ARTICLE III.

CATS

Sec. 10-61. Vicious cats.

It shall be unlawful to keep a vicious cat within the Village. An active showing of aggression or previous incident where a cat has bitten, attacked or injured any person or domestic animal not limited to dogs and cats, without provocation shall be evidence enough that such cat is deemed vicious. (Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-62. License required.

The owner of a cat more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the cat becomes 5 months of age, pay the cat license fee and obtain a license. By ordinance, the license fee for each cat shall be as set by the Village Board from time to time for an unneutered male cat and an unspayed female and as set by the Board from time to time for a neutered male and a spayed female cat. The Village Board may, however, change these fees from time to time by separate resolution and impose penalties when necessary. (Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-63. Clerk-treasurer to issue license.

(a) Upon payment of the required fee, and upon being furnished with evidence that each cat has been currently immunized against rabies, the clerk-treasurer may issue the requested cat license.

(b) The applicant may submit written proof that such cat has been spayed or neutered prior to issuance of the license. The clerk-treasurer may keep a file of such written proof of spaying or neutering for each respective cat and not require new proof each year. (Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-64. Cats running at large.

It shall be unlawful for the landowner, tenant, homeowner, keeper or harbinger in control, custody or possession of any cat to permit the cat to run at large at any place within the Village unless such cat is accompanied by and under the immediate control of the owner or keeper of such cat. This section does not prohibit the owner or keeper of a cat from allowing the cat to run at large upon premises owned or occupied by

the owner or keeper of the cat. No cat shall be deemed or considered to be under the immediate control of any person if such cat is on private or public property other than the property of the owner, keeper or harbinger of the cat unless that cat is in fact on a leash held by the owner or keeper.

(Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-65. Impoundment of cats.

(a) *Confinement of cats.* The Police Department or any other officer appointed by the Village Board shall apprehend any cat running at large within the Village (except when the cat is on the premises of its owner or keeper or is accompanied by and under the control of its owner or keeper) and confine the cat in a suitable animal shelter such as but not limited to HAWS.

(b) *Enforcement.* The Village Board shall from time to time appoint a qualified officer to apprehend and confine cats in a shelter as provided in this section and such officer shall have the power and authority to apprehend and confine cats as provided in this section and shall have the power and authority to enforce this section, including the right to commence actions for the collection of any forfeiture imposed by this section. Such action shall be brought in the name of the Village. Such officer shall be paid such compensation as the board shall determine by resolution from time to time.

(c) *Disposition of unclaimed cats.* The keeper of the shelter shall keep all cats apprehended as provided in this section for a period of seven days at the animal shelter (unless claimed by the owner or keeper sooner), and if any cat is not claimed by the rightful owner within such time, the cat may be sold for the amount incurred in the apprehending, keeping and care of the cat or it may be destroyed in a proper and humane manner.

(d) *Owner or keeper to pay costs.* The owner, keeper or harbinger of any cat so confined may reclaim such a cat at any time before the cat is disposed of as provided in this section, and upon payment of all costs and charges incurred in the apprehension, keeping and care of the cat. Such fees shall be established from time to time by resolution of the Village Board. As a further condition of release, such officer shall require that before release the owner shall, if such cat is not licensed, obtain a license from the proper Village official.

(Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-66. Number of cats limited.

(a) It shall be unlawful to keep more than two cats over the age of five months upon any premises within any district within the Village except in a shelter duly authorized by the Village. Operating farms located in the agriculture zoning district will be permitted to have a maximum of six cats over the age of five months.

(b) Operating farms located in the agriculture zoning district will be permitted to have a maximum of six cats over the age of five months.

(Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-67. Shelter for cats kept outdoors.

Cats kept outdoors shall be provided with moisture proof and windproof shelter of a size which allows the animal to turn around freely and to easily sit, stand and lie in a normal position and to keep the animal clean,

dry and comfortable. Whenever the outdoor temperature is below 40 degrees Fahrenheit, clean, dry bedding material shall be provided in such shelters for insulation and to retain the body heat of the animal. Automobiles shall not be used as animal shelters.

(Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-68. Cat excrement disposition.

The owner, keeper or person having physical possession of a cat shall remove and properly dispose of any cat excrement deposited by such animal immediately after the animal has relieved itself whether that animal be on private or public property.

(Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-69. Complaint by citizen.

Should a violation of this section be reported by a citizen, the Village shall not be required to pursue prosecution unless and until the complaining citizen shall present his/her complaint in writing. If such complaint is filed with the Police Department for prosecution, the complainant will cooperate fully with the Village Attorney in such prosecution including, if necessary, testifying in a court trial in support of such complaint. Any failure by the complainant to cooperate with the Village shall result in immediate dismissal of the complaint.

(Ord. No. 06-2017, § 3, 07-13-2017)

Sec. 10-70. Penalty.

Violations of any section of this ordinance shall also constitute a public nuisance. Any person who shall violate any provision of the chapter or any order, rule or regulation made herein shall be subject to a penalty as provided in Sec. 1.11 of the Municipal Code, Village of North Prairie, Wisconsin.

All costs of prosecution including any costs incurred by the Village in caring for such cat, and, in default of payment thereof, shall be imprisoned in the county jail until such forfeiture is paid, but such imprisonment shall not exceed 60 days.

(Ord. No. 06-2017, § 3, 07-13-2017)