

# **TITLE 7**

## **Licensing and Regulation**

<b>Chapter 1</b>	Licensing of Dogs and Cats; Regulation of Animals
<b>Chapter 2</b>	Fermented Malt Beverages and Intoxicating Liquor Cigarette
<b>Chapter 3</b>	License Transient
<b>Chapter 4</b>	Merchants Mobile
<b>Chapter 5</b>	Homes
<b>Chapter 6</b>	Regulation and Licensing of Fireworks
<b>Chapter 7</b>	Street Use Permits
<b>Chapter 8</b>	Regulation of Nonmetallic Mining
<b>Chapter 9</b>	Regulation of Large Assemblies of Persons
<b>Chapter 10</b>	Licensees to Pay Local Claims; Appellate Procedures

# Title 7 .. Chapter 1

## Licensing of Dogs, Cats; Regulation of Animals

7-1-1	Dog and Cat Licenses Required; Definitions
7-1-2	Rabies Vaccination Required for License
7-1-3	Issuance of Dog, Cat and Kennel Licenses
7-1-4	Late Fees
7-1-5	Rabies Quarantine
7-1-6	Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals; Farm Animals
7-1-7	Impoundment of Animals
7-1-8	Duty of Owner in Cases of Dog or Cat Bite
7-1-9	Keeping of Dangerous Animals Prohibited
7-1-10	Animal Feces
7-1-11	Injury to Property by Animals
7-1-12	Barking Dogs or Crying Cats
7-1-13	Prohibited and Protected Animals, Fowl, Reptiles and Insects
7-1-14	Sale of Rabbits, Chicks or Artificially Colored Animals
7-1-15	Providing Proper Food and Drink to Confined Animals
7-1-16	Providing Proper Shelter
7-1-17	Neglected or Abandoned Animals
7-1-18	Cruelty to Animals and Birds Prohibited
7-1-19	Limitation on Number of Dogs and Cats
7-1-20	Trapping of Animals
7-1-21	Keeping of Bees
7-1-22	Vietnamese Potbellied Pigs
7-1-23	Penalties

### **Sec. 7-1-1 Dog and Cat Licenses Required; Definitions.**

- (a) **License Required.** It shall be unlawful for any person in the Village of Merrilan to own, harbor or keep any dog or cat for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter and Sections 174.05 through 174.10, Wis. Stats., relating to the listing, licensing and tagging of the same.

- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) *Owner.* Any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
  - (2) *At Large.* To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
  - (3) *Dog.* Any canine, regardless of age or sex.
  - (4) *Cat.* Any feline, regardless of age or sex.
  - (5) *Neutered.* A dog or cat having nonfunctional reproductive organs.
  - (6) *Animal.* Mammals, reptiles and birds.
  - (7) *Cruel.* Causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
  - (8) *Law Enforcement Officer.* Has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.
  - (9) *Farm Animal.* Any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (10) *Pet.* An animal kept and treated as a pet.
  - (11) *Residential Lot.* A parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted and under common ownership. For the purpose of this Chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
  - (12) *Restrain.* Includes notifying the dog or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.
  - (13) *Untagged.* Not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.
  - (14) *Dangerous Animal.* Any animal, without provocation, behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of bodily injury or death to one or more persons or domestic animals.

*State Law Reference:* Sections 174.05 through 174.10, Wis. Stats.

## **Sec. 7-1-2 Rabies Vaccination Required for License.**

- (a) **Rabies Vaccination.** The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the Village of Merrilan after the dog

or cat has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog or cat is brought into the Village unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 95.21(2), Wis. Stats.

- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog or cat against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the Village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog or cat at all times, but this requirement does not apply to a dog or cat during competition or training, to a dog while hunting, to a dog or cat securely confined indoors or to a dog or cat securely confined in a fenced area. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog or cat which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

### **Sec. 7-1-3 Issuance of Dog, Cat and Kennel Licenses.**

- (a) **Dog and Cat Licenses.**
  - (!) It shall be unlawful for any person in the Village of Merrilan to own, harbor or keep any dog or cat more than five (5) months of age without complying with the

Licensing of Dogs, Cats; Regulation of Animals  
7-1-3

provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

- (2) The owner of any dog or cat more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog or cat becomes five (5) months of age, pay a license tax and obtain a license.
- (3) The minimum license tax under this Section shall be:
  - a. Neutered males and spayed females - as set by the Village Board.
  - b. Unneutered males and unspayed females - as set by the Village Board.
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog or cat is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog or cat for which the license is issued at all times, except as provided in Section 7-1-2(e).
- (6) The fact that a dog or cat is without a tag attached to the dog or cat by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog or cat for which a dog or cat license is required which is found without such tag attached.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Clerk-Treasurer upon application therefore.
- (8) No family or person shall own, harbor or keep in its possession more than two (2) dogs or two (2) cats at any dwelling or property unless such family or person obtains a Kennel License in compliance with Section 7-1-3(b).
- (9) If a previously licensed animal has a litter of puppies or kittens, a family or person shall be allowed to temporarily exceed the animal limit set forth in 7-1-3(a)(8) or 7-1-3(b)(3), as applicable. In the event that a permitted animal has a litter, the family or person shall notify the Clerk within five (5) days of birth of such litter and advise the Clerk how many puppies or kittens were born and the date of birth. The new litter shall not count against the family or person's animal limit for a period of ten (10) weeks from the date of birth of the litter. After the date which is ten (10) weeks from the date of birth of the litter, the family or person shall comply with the regular animal limit for their applicable property, as set forth in 7-1-3(a)(8) or 7-1-3(b)(3). No family or person may exceed the animal limit for their property or dwelling with puppies or kittens which are born of animals which were not licensed with the Village prior to the birth of the litter.

(b) **Kennel Licenses.**

- (1) Any person, or persons in the same household, who owns, harbors, or keeps more than two (2) cats or two (2) dogs or otherwise keeps and operates a kennel in the household, must apply for a kennel license for the keeping and operating of the kennel. Such person shall pay for the license year a license tax as set by the Village Board for a kennel. Upon payment of the required kennel license tax and, if required by the Village Board, upon presentation of evidence that all dogs and/or cats over five (5) months of age are currently immunized against rabies, the Village Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs and/or cats authorized to be kept in the kennel. Kennels may only be located

in residential areas following a public hearing and approval by the Village Board; the Board may attach conditions to such approval as a conditional use under the Village's Zoning Code. Dogs and/or cats that are properly licensed under a kennel license shall also be individually licensed under Sec. 7-1-3 (a) of this Chapter.

- a. No Household may have more than two (2) dogs or (2) cats without the owner of the animals first obtaining a kennel license.
- b. The term kennel means any establishment where in or where on more than two (2) dogs or two (2) cats are kept. No kennel shall have more than 8 dogs, cats or combination of dogs and cats.

## Licensing of Dogs, Cats; Regulation of Animals

- 7-1-3 (2) The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog or cat during competition, to a dog or cat securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another or to one cat to another within the kennel whenever any dog or cat is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog or cat for which it is issued at all times but this requirement does not apply to a show dog or cat during competition, to a dog or cat securely confined indoors or to a dog or cat securely confined in a fenced area. No dog or cat bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog or cat is on a leash or temporarily for the purposes of hunting, breeding, trial, training or competition.
- (3) The term "Kennel" means any establishment wherein or whereon more than two (2) dogs and or two (2) cats are kept. No kennel shall have more than eight (8) dogs, cats, or combination of dogs and cats.
- (4) No kennel license shall be issued to the keeper or operator of a kennel who fails to provide proper food and drink and proper shelter for the dogs and/or cats in said kennel or who neglects or abandons said dogs and/or cats. Designated officials shall investigate any complaints regarding the failure to maintain proper standards or investigate any kennel premises upon his/her own initiative. Expressly incorporated by reference in this Section as minimum standards for kennel keepers or operator are the relevant provisions of Chapter 174 of the Wisconsin Statutes.
- (5) A condition of a kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant, and the application for a license hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any license issued hereunder and shall be deemed a violation of this Section. Should any kennel be found to constitute a public nuisance, the license shall be revoked and the nuisance abated pursuant to Village ordinances.
- (6) As a pre-condition of the issuance of a kennel license, a designee of the Village may inspect the prospective location of the kennel to ensure that it is, in the discretion of the Village's designee, suitable for housing the number of animals as set forth in the kennel License application. In making the determination of suitability of the kennel premises, The Village's designee may consider any reasonable factors, in the discretion of such Designee. If the Village's designee determines that the premises is not suitable for The number of animals proposed in the kennel license, the Village may deny the kennel license application, or approve the kennel license application with a lower number of permitted animals than the maximum allowable hereunder.

### **Sec. 7-1-4 Late Fees.**

The Village Clerk-Treasurer shall assess and collect a late fee of Twenty Dollars (\$20.00) from every owner of ad dog or cat five (5) months of age or over if the owner failed to obtain a license prior to April I of each year, or within thirty (30) days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. Said late fee shall be charged in addition to the required license fee.

## Sec. 7-1-5 Rabies Quarantine.

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three (3) public places in the Village notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from Village Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Village quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
  - (1) ***Quarantine or Sacrifice of Dog or Cat.*** An officer or animal warden 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 shall attempt to 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.
- (d) **Quarantine of Dog or Cat.**
  - (1) ***Delivery to Isolation Facility or Quarantine on Premises of Owner.*** An officer or animal warden 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.
  - (2) ***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.



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(3) **Risk to Animal 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.

(4) **Destruction 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 and the officer or veterinarian shall 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.

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- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. 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 or 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 or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
  - (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the Village, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
  - (g) **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. If the owner is unknown, the county is responsible for these expenses.

## **Sec. 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals.**

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Merrilan to own, harbor or keep any dog, cat or other animal which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
  - (2) Assaults or attacks any person or destroys property.
  - (3) Is at large within the limits of the Village.
  - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-12.)
  - (5) Kills, wounds or worries any domestic animal.
  - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
  - (7) In the case of a cat or dog, is unlicensed.
  - (8) Interferes with the reading of any Village utility meter or equipment or interferes with the maintenance of any Village owned property on Village right of way.
- (b) **Vicious Dogs and Animals.**
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age who is physically able to control the animal. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons, inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises, or bites a utility worker engaged in meter reading or maintenance.
  - (2) No person shall harbor or permit to remain on his/her premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (c) **Animals Running at Large.**
- (1) No person having in his/her possession or ownership any animal or fowl shall allow the same to run at large within the Village. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal warden.
  - (2) A dog or cat shall not be considered to be running at large if it is on a leash not to exceed ten (10) feet in length and under control of a person physically able to control it when the animal is off of the owner's premises.
- (d) **Animals Restricted on Public Grounds and Cemeteries.** No dog or cat shall be permitted in any public playground, school grounds, public park, or swimming area within

the Village unless such dog or cat is on a leash and under control. Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this Section.

- (e) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 174.02, Wis. 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.

## **Sec. 7-1-7 Impoundment of Animals.**

### **(a) Animal Control Agency.**

(1) The Village of Merrilan may designate or contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.

(2) The Village of Merrilan does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.

- (b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, A law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his/her possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure,

- (c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer or warden has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose 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 the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Village Board or impounding agency. No animal shall be

Licensing of Dogs, Cats; Regulation of Animals  
7-1-7

released from the pound without being properly licensed if so required by state law or Village Ordinance.

- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal control officer may sell the animal to any willing buyer.
- (e) **Village Not Liable for Impounding Animals.** The Village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

**Sec. 7-1-8 Duty of Owner in Case of Dog or Cat Bite.**

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to Village law enforcement officials and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as directed. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

**Sec. 7-1-9 Keeping of Dangerous Animals Prohibited.**

- (a) It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Merrilan:
  - (1) Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.
  - (2) Any animal having poisonous bites.
  - (3) Any other dangerous animal, as defined in Sec. 7-1-1 (14) of this Chapter.

**Sec. 7-1-10 Animal Feces.**

- (a) **Removal of Fecal Matter.** The owner or person in charge of any dog, cat, horse, or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed there from by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.
- (b) **Accumulation of Fecal Matter Prohibited on Private Yards.** The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his/her own property by regularly patrolling and properly disposing of the fecal matter.

**Sec. 7-1-11 Injury to Property by Animals.**

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

**Sec. 7-1-12 Barking Dogs or Crying Cats.**

It shall be unlawful for any person knowingly to 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. The owner of a dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with Village law enforcement officers within a four (4) week period.

**Sec. 7-1-13 Prohibited and Protected Animals, Fowl, Reptiles and Insects; Farm Animals.**

- (a) **Protected Animals.**
  - (1) **Possession and Sale of Protected Animals.** It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt

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to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis niger*), vicuna (*vicugna vicugna*), gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kempii*).

- (2) **Compliance with Federal Regulations.** It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
  - (3) **Regulating the Importation of Certain Birds.** No person, firm or corporation shall import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus. Holders of such permits shall also obtain a conditional use permit under the Village Zoning Code.
- (c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his/her possession or under his/her control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his/her control within the Village any of the following animals, reptiles or insects:
- (1) All poisonous animals and reptiles including rear-fang snakes.
  - (2) Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
  - (3) Baboons (*Papoi*, *Mandrillus*).
  - (4) Bears (*Ursidae*).
  - (5) Bison (*Bison*).
  - (6) Cheetahs (*Acinonyx jubatus*).
  - (7) Crocodilians (*Crocodylia*), thirty (30) inches in length or more.
  - (8) Constrictor- snakes.
  - (9) Coyotes (*Canis latrans*).

## Licensing of Dogs, Cats; Regulation of Animals

### 7-1-13

- (10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
  - (11) Elephants (Elephas and Loxodonta).
  - (12) Game cocks and other fighting birds.
  - (13) Hippopotami (Hippopotamidae).
  - (14) Hyenas (Hyaenidae).
  - (15) Jaguars (Panthera onca).
  - (16) Leopards (Panthera pardus).
  - (17) Lions (Panthera leo).
  - (18) Lynxes (Lynx).
  - (19) Monkeys, old world (Cercopithecidae).
  - (20) Ostriches (Struthio).
  - (21) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
  - (22) Rhinoceroses (Rhinocero tidae).
  - (23) Sharks (class Chondrichthyes).
  - (24) Snow leopards (Panthera uncia).
  - (25) Tigers (Panthera tigris).
  - (26) Wolves (Canis lupus),
  - (27) Poisonous insects.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of 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; licensed pet shops; zoological gardens; if
- (1) Their location conforms to the provisions of the zoning ordinance of the Village.
  - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
  - (3) Animals are maintained in quarters so constructed as to prevent their escape.
  - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.
- (e) **Farm Animals; Miniature Pigs.** Except as provided in Section 7-1-22 regarding miniature pigs and on properties zoned in an agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep, fowl [more than two (2)] or rabbits [more than four (4)]. For purposes of this Subsection, the term "swine" shall not include any miniature pigs of either sex weighing less than eighty (80) pounds which are intended for and kept as domestic pets.

## **Sec. 7-1-14 Sale of Rabbits, Chicks or Artificially Colored Animals.**

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.

- (b) (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
- (2) No retailer, as defined in Sec. 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

*State Law Reference:* Sec. 948.11, Wis. Stats.

### **Sec. 7-1-15 Providing Proper Food and Drink to Confined Animals.**

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

*State Law Reference:* Sec. 948.13, Wis. Stats.

### **Sec. 7-1-16 Providing Proper Shelter.**

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
  - (1) **Ambient temperatures.** The ambient temperature shall be compatible with the health of the animal.
  - (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
  - (1) **Shelter from sunlight.** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided



to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.

- (2) **Shelter from inclement weather.**
  - a. *Animals generally.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
  - b. *Dogs.* If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
  - (1) **Structural strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  - (2) **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

*State Law Reference:* Sec. 948.14, Wis. Stats.

## **Sec. 7-1-17 Neglected or Abandoned Animals.**

- (a) **Neglected or Abandoned Animals.**
  - (1) No person may abandon any animal.
  - (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
  - (3) **If** the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
  - (4) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such

officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

- (5) Section 948.16, Investigation of Cruelty Complaints, and Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

*State Law Reference:* Sections 948.15, 948.16 and 948.17, Wis. Stats.

## **Sec. 7-1-18 Cruelty to Animals and Birds Prohibited.**

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

## **Sec. 7-1-19      Limitation on Number of Dogs and Cats.**

- (a) **Purpose.** The keeping of a large number of dogs and cats within the Village of Merrilan for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.
- (b) **Number Limited.**
  - (1) No person, family or persons living in the same residence shall own, keep, or harbor in its possession more than two (2) dogs and two (2) cats in any residential unit without the prior issuance of a kennel license by the Village Board except that a litter of puppies or kittens or a portion of a litter may be kept for not more than ten (10) weeks from birth.
  - (2) No person, family, or persons living in the same residence shall own, keep, or harbor in its possession more than eight (8) dogs, cats, or combination of dogs and cats.

## **Sec. 7-1-20      Trapping of Animals.**

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on Village-owned land within the Village of Merrilan to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (d) Nothing in this Section shall prohibit or hinder the Village of Merrilan or its employees or agents from performing their official duties.

## **Sec. 7-1-21      Keeping of Bees.**

- (a) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the Village unless the bees are kept in accordance with the following provisions:
  - (1) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard.

- (2) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.
- (3) Fresh, clean watering facilities for bees shall be provided on the said premises.
- (4) The bees and equipment shall be kept in accordance with the provisions of state law.
- (5) A conditional user permit shall first be obtained pursuant to the Village Zoning Code.

### **Sec. 7-1-22 Vietnamese Potbellied Pigs.**

- (a) **Definitions.** As used in this Section, the following words and phrases shall have the following meanings, unless the context clearly indicates that a different meaning is intended:
- (1) "Vietnamese Potbellied Pig" shall mean a purebred Vietnamese Potbellied Pig registered through a North American Vietnamese Potbellied Pig Registry, which does not exceed one hundred (100) pounds in weight.
- (b) **License Required/Fee.** It is unlawful for any person, party, firm or corporation to keep or maintain within the Village of Merrilan limits a Vietnamese Potbellied Pig without first having obtained a license from the Village Clerk-Treasurer and being in compliance with all provisions of this Section. The fee for a license issued hereunder or "renewal thereof shall be Ten Dollars (\$10.00) per calendar year or fraction thereof. Excepted from the license requirement is any law enforcement agency or agency under contract with the Village to care for stray or unwanted animals.
- (c) **License/Application.**
- (1) Any applicant for a license or renewal thereof under this Section shall file with the Village Clerk-Treasurer a fully executed application on a form prescribed by the Village Clerk-Treasurer, accompanied by the annual license fee.
  - (2) No licenses or renewal thereof shall issue hereunder until:
    - a. A Certificate of Purebred Registration is filed with the Village Clerk-Treasurer.
    - b. There has been an inspection by a Village law enforcement officer or other designated Village inspection official of the premises being licensed and a determination by said sanitarian that all requirements of this Section, and other applicable general and zoning ordinances, have been met.
    - c. There is an adequate means of restraining animals from running at large or disturbing the peace.
  - (3) Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the 31st day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.

Licensing of Dogs, Cats; Regulation of Animals

7-1-22

- (4) When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any Village personnel requesting to examine it and having authority to enforce this Section.
- (5) Only one(!) Vietnamese Potbellied Pig may be at any premises.
- (d) **License Requirements.** Licensee shall comply with the following as a condition of obtaining and maintaining a license:
  - (1) Animal feces to be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
  - (2) When sunlight is likely to cause overheating to discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.
  - (3) An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for purposes of restraint.
  - (4) When the atmospheric temperature is less than fifty degrees Fahrenheit (50°F), an animal shall be kept indoors at a temperature no less than fifty degrees Fahrenheit (50°F), except for temporary ventures which do not endanger the animals health.
  - (5) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.
  - (6) Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.
  - (7) Animals may not be permitted to exceed one hundred (100) pounds in weight.
  - (8) Animals shall be examined by a veterinarian within a period of sixty (60) days prior to a new license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:
    - a. The animal's weight.
    - b. The animal has received all recommended vaccinations and boosters.
    - c. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.

- d. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.
  - e. The animal has passed a pseudo rabies test administered in accordance with application state regulations.
- (9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six (6) feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape there from.
- (10) Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.
- (e) **Suspension, Revocation or Denial of Renewal of License.** A Village law enforcement officer shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any license has violated any of the provisions of this Section, or any ordinance of the Village, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Village Board by filing a request within ten (10) days of such notice.

### **Sec. 7-1-23 Penalties.**

- (a) Any person violating Sections 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1-20, 7-1-21 or 7-1-22 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Chapter.
- (b) (1) Anyone who violates Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
- (2) An owner who refuses to comply with an order issued under Section 7-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.

Licensing of Dogs, Cats; Regulation of Animals  
**7-1-23**

- (c) Any person who violates Sections 7-1-6 through 7-1-15 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.
- (d) Each day that a violation of this Chapter continues shall be deemed a separate violation. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure, impoundment and removal from the Village by Village officials in the event the owner or keeper of the dog fails to remove the dog from the Village. In addition to the foregoing penalties, any person who violates this Chapter shall pay all expenses including shelter, food, handling and veterinary care necessitated by the enforcement of this Chapter.

