

## **Title 7**

### **ANIMALS**

#### **Chapters:**

- 7.02 Definitions**
- 7.04 Cruelty to Animals**
- 7.08 Animals at Large**
- 7.12 Animal Regulations**
- 7.14 Cats**
- 7.16 Pigeons, Hare and Rabbits**
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## Chapter 7.02

### DEFINITIONS

#### Sections:

##### 7.02.010 Definitions.

##### 7.02.010 Definitions.

The following words, terms and phrases, when used in this Title, shall have the meanings ascribed to them in this Chapter, except where the context clearly indicates a different meaning:

“Bite” means to seize with teeth or jaws, so as to enter, wound, or pierce the skin.

“Dangerous or fierce animal”, “dangerous or fierce dog” or “dangerous or fierce cat” means an animal which shall cause reasonable fear of bodily injury to any person by attacking or threatening to attack such person.

“Domesticated animal” means a dog, cat, ferret, potbellied pig, or other animal as approved by the Village Board on a case by case basis.

“Ferret” means a domesticated polecat (*mustela putorius*); a weasel-like mammal.

“Hybrid cat” means a cat bred with the intent of having wildlife mixed into the bloodline (lynx or puma).

“Hybrid dog” means a dog bred with the intent of having wildlife mixed into the bloodline (wolf or coyote).

“Isolation facility” means a humane society shelter, veterinary hospital, municipal pound or other place specified by an Officer which is equipped with a pen or cage which isolates the animal from contact with other animals.

“Kitten” means any cat less than five months of age.

“Kennel” means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and cats.

“Neutered” means a domesticated animal that has been spayed or castrated by surgical means.

“Owner” means any person who keeps, harbors or controls a domesticated animal or knowingly permits such animal to remain on or about a premises to which a domesticated animal customarily returns for a period often days.

“Potbellied pig” means any of *sus scrofa* species, more commonly known as Vietnamese potbellied pig.

“Provoked” means the behavior by an animal (the "attacking animal") toward a person or animal (the "attacked" person or animal) was precipitated under circumstances reasonably expected to evoke a vicious response from the attacking animal, including, but not limited to, the following:

- (1) The attacking animal was protecting or defending its owner or a member of its owner's household from an attack or assault;
- (2) The attacked person was committing a crime or offense while on the property of the owner of the attacking animal;
- (3) The attacked person was teasing, tormenting, abusing or assaulting the animal or at any time in the past had teased, tormented, abused or assaulted the animal;
- (4) The attacking animal was attacked or menaced by the attacked animal or the attacked animal was on the property of the owner of the attacking animal. This does not include walking past the property in a casual manner;
- (5) The attacking animal was responding to pain or injury inflicted by the attacked person or animal;
- (6) The attacking animal was protecting itself, its kennels, or its offspring from the attacked person or animal while the attacking animal was on its owner's property;

- (7) The attacked person or animal was disturbing the attacking animal's natural functions, such as sleeping or eating, while the attacking animal was on its owner's property; or
- (8) The attacking animal was responding to a command or encouragement to attack the attacked person or animal.

“Pup” means any dog less than five months of age.

“Vicious animal” means any animal which has attacked or bitten one or more persons or which has behaved in such a manner that the owner or custodian of such animal knows or should have reasonably known that the animal has tendencies to attack or bite persons.

“Wild animal” means any live monkey or ape, raccoon, skunk, fox, snake or other reptile, leopard, panther, tiger, lion, lynx or any other animal or any bird of prey which can normally be found in the wild state. (Ord. 2015-12-1; Ord. 2015-5-6; Ord. 2000-2-1).

## Chapter 7.04

### CRUELTY TO ANIMALS

#### Sections:

#### **7.04.010 Cruelty to Animals.**

#### **7.04.010 Cruelty to Animals.**

- A. It is unlawful for anyone to intentionally torture, abuse, cruelly beat, overload or abandon any animal.
- B. It is unlawful for anyone without reasonable excuse to fail or refuse or neglect to provide any animal in his charge with food, potable water, necessary shade or shelter.
- C. It is unlawful for anyone to willfully shoot, poison or kill any household pet or domesticated animal.
- D. It is unlawful for anyone to intentionally transport or confine any animal in a cruel manner.
- E. It is unlawful to intentionally participate in the earnings of any place for baiting or fighting animals or intentionally maintain or allow any place to be used for such purpose.
- F. This Section shall not apply to licensed veterinarians conducting normal and accepted veterinary practices or members of the Village police department acting within their official capacity.
- G. All provisions of Section 173.31 of the Wisconsin Statutes relating to neglected or abandoned animals and police powers are adopted and by reference made a part of this Section as if fully set forth herein.
- H. Any person violating any provision of this Section shall be subject to penalty as provided in Section 1.12.010 of this code. (Ord. 2000-2-1 § 3; Ord. 74-7-5).

## **Chapter 7.08**

### **ANIMALS AT LARGE**

#### **Sections:**

#### **7.08.010 Animals at Large.**

#### **7.08.010 Animals at Large.**

No horses, mules, cattle, sheep, goats, swine, geese, ducks, turkeys or chickens, or any other poultry are to run at large within this Village; any person or persons who violate any provisions of this Section shall be subject to penalty as provided in Section 1.12.010. (Prior code § 10.02).

## Chapter 7.12

### ANIMAL REGULATIONS

#### Sections:

- 7.12.010 Definitions.**
- 7.12.015 Dog Licenses.**
- 7.12.017 Licensing Fees.**
- 7.12.021 Dog Waste Removal.**
- 7.12.025 Nuisance Animals.**
- 7.12.030 Vicious Animals.**
- 7.12.035 Impounding.**
- 7.12.050 Pasturing Near Dwelling.**
- 7.12.060 Penalty for Violation of Sections 7.12.010 through 7.12.050.**
- 7.12.070 Rabies--Definitions.**
- 7.12.080 Rabies Vaccination Required.**
- 7.12.090 Certificate of Rabies Vaccination.**
- 7.12.100 Vaccination Cost.**
- 7.12.110 Exception to Vaccination Requirement.**
- 7.12.120 Impoundment of Rabies Suspects.**
- 7.12.130 Animals Bitten or Scratched by Rabid Animals.**
- 7.12.150 Rabies Control Enforcement.**
- 7.12.160 Vaccination a License Requirement.**
- 7.12.170 Penalty for Violation of Sections 7.12.070 through 7.17.160.**
- 7.12.180 Temporary Housing of Animals for Educational Purposes**

#### **7.12.010 Definitions.**

A. "At large" means to be off the premises of the owner, and while off the premises, not under the control of the owner or a member of his immediate family over twelve (12) years of age, either by leash or otherwise; but a dog upon the running board or within an automobile of its owner shall also be deemed upon the owner's premises.

B. "Leash" means a cord, thong or chain, not more than ten (10) feet in length, by which a dog is controlled by the person accompanying it.

C. "Owners" includes any person, firm or corporation, owning, harboring or keeping a dog, and the occupant of any premises on which a dog remains or to which it customarily returns, is presumed to be harboring or keeping the dog within the meaning of Sections 7.12.010 through 7.12.060.

((1), (2), (3), of Ord. passed 2/8/54: prior code § 10.05(1), (2), (3)).

#### **7.12.015 Dog Licenses.**

A. Tax. The owner of a dog more than five (5) months of age on January 1st of any year, or five (5) months of age within the license year, shall annually, on or before the date the dog becomes five (5) months of age within the license year, pay a dog license tax and obtain a license tag. Presentation of evidence is required to show that the dog is either neutered or spayed.

B. License Year. A license year commences on January 1st and ends on the following December 31st.

C. Late Fees. The Village Clerk/Treasurer shall assess and collect a late fee from every owner of a dog, of five (5) months of age or over, if the owner had failed to obtain a license prior to April 1st of each year, or within thirty (30) days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license on or after dog reached a licensable age. Late fees shall be paid into the general fund.

D. Untagged Dog. Any dog outdoors (unless within a securely fenced area) without a valid dog tag securely attached to the dog's collar shall be considered an untagged dog and a violation of this Section.

(Ord. 2003-12-1; Ord. 90-4-3).

**7.12.017 Licensing Fees.**

There shall be a non-refundable annual fee for each license requested pursuant to this Chapter. The fee for such permit shall be provided in Section 3.06.010(H) of this Code and shall be paid at the time of licensing. (Ord. 2003-12-1 § 2).

**7.12.021 Dog Waste Removal.**

The owner, or any person having control of a dog within the Village Boundaries of Twin Lakes, Wisconsin, shall remove any excrement or fecal material created by said dog or dogs on property not belonging to the owner, or person in control of said dog or dogs. The owner or person controlling the dog shall carry in his or her possession some means of removing excrement or fecal material when the owner or person controlling the dog is not upon their own property. (Ord. 91-9-3).

**7.12.025 Nuisance Animals.**

No animal which regularly disturbs the quiet of any person, by howling or barking, or similar vocalization or which is declared a nuisance shall be harbored or kept within the Village. The Police Department shall determine whether the dog constitutes as a nuisance, a "Vicious Animal," or neither. An animal that is determined to have acted in defense of itself or of its owner or owner's property shall not be declared a nuisance. Regardless of any nuisance determination, the Police Chief may order the posting of a sign at the owner's premises or location at which the animal is housed stating "Beware of Dog." It is the duty of the person owning or in possession or custody of such dog to surrender it to any Officer upon demand. The Police Chief may determine upon his or her discretion to declare a nuisance animal as "prohibited nuisance animal" and require removal of the animal from the Village on a permanent basis. In the event any dog which has been bitten by another domestic animal is impounded, that dog must be impounded for such period of time as a licensed veterinarian or other health officer deems necessary in order to determine whether it has rabies, and the cost of keeping and impounding such dog shall be borne by the owner. (Ord. 2015-12-1; Ord. 2010-1-1; prior Ord. 91-9-3)

**7.12.030 Vicious Animals.**

A. Procedure for declaring a vicious animal.

1. The Police Chief or his/her designee, upon conducting an investigation, may issue an order declaring an animal to be a vicious animal whenever he/she finds that an animal meets the definition of a vicious animal. An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (e).
2. Upon an animal being declared vicious, the owner or caretaker shall 1) within 24 hours comply with the signage, collar, leashing, muzzling, juvenile residency, and confinement requirements under subsections (c)(1), (4), (6)-(8); 2) Register for training as required by subsection (c)(10) within 90 days and complete within 180 days of the order; 3) comply with all other requirements of subsection (c) within 30 days of the order.
3. Upon written request by the owner or caretaker, the Chief of Police or his/her designee may waive any requirement specified in subsection (c) that he/she finds to be inappropriate for a particular vicious animal.
4. Vicious animal status will not be based on the breed of a given animal, but rather the dangerous and/or threatening behavior exhibited by the animal.

B. Restrictions. The owner or caretaker of any animal determined by the Chief of Police or his/her designee to be a vicious animal shall comply with all of the following conditions:

1. Juveniles. No animal declared vicious as a result of aggression against a human being is to be kept on a property or within a household where a juvenile resides.

2. Liability Insurance. At the time the animal is declared vicious, the owner or caretaker of any vicious animal shall obtain and provide proof of liability insurance in the amount of at least \$100,000.00 for any acts of property damage or liability incurred by virtue of personal injury inflicted by such animal. Such insurance shall name the Village as additionally insured. Such insurance coverage shall be maintained so long as the animal remains in the possession of the owner or caretaker.

3. Display of sign. The owner or caretaker of any vicious animal shall display signs on his or her premises facing out from all sides of the premises warning that there is a vicious animal on the property. The signs shall be visible and capable of being read from a public highway or thoroughfare or within 20 feet of its placement and be at least 8.5 inches by 11 inches in rectangular dimensions with lettering not less than two inches in height. The sign must read BEWARE OF DOG, WARNING DANGEROUS ANIMAL or similar wording as approved by the Chief of Police.

4. Animal restraint on property. While on the owner's or caretaker's property, a vicious animal must be securely and humanely confined indoors or when outdoors, kept in a secure, enclosed and locked pen or structure, suitable to prevent the entry of the public, or other persons who have the lawful right to enter the property and designed to prevent the animal from escaping or as set forth in subsection (c)(7)(a) or (b). No more than one vicious animal may be kept per Village parcel.

a. Indoor confinement. No vicious animal may be kept on a porch, patio or in any part of a house or structure on the premises of the owner or caretaker that would allow the animal to exit the premises of its own volition. No vicious animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.

b. Outdoor confinement. Owners or caretakers who choose outdoor confinement of a vicious animal must maintain on the property a pen or kennel, a secured building, or within a secured fence of sufficient height and constructed to maintain the animal within. Any outdoor confinement shall be inspected and approved by the Police Department. Any time a vicious animal is on its owner's property but not in a secured, contained area, it must be muzzled.

8. Animal restraint off property. No owner or caretaker may permit a vicious animal to go outside its dwelling, kennel, pen or premises where it is being harbored unless the animal is muzzled. The animal must be under the control of an adult, able-bodied person competent to govern the animal and physically capable of controlling and restraining the animal. The animal may not be leashed to inanimate objects such as trees, posts and buildings.

C. Procedure for declaring a prohibited vicious animal.

1. The Chief of Police or his/her designee, upon conducting an investigation, may issue an order declaring an animal to be a prohibited vicious animal whenever he/she finds that an animal meets the definition of prohibited vicious animal. An owner or caretaker wishing to contest an order under this section shall proceed as provided in subsection (e).

2. Upon issuance of an order declaring an animal to be a prohibited vicious animal, the owner or caretaker shall remove the animal from the Village or surrender the animal to the local humane society within five business days after the date of the order.

3. No owner or caretaker of a prohibited vicious animal may sell or transfer possession of the animal to any other person within the Village.

4. Any animal declared to be a prohibited vicious animal that is not removed from the Village within five business days of it being declared a prohibited vicious animal may be seized by the Village pursuant to Wis. Stats. § 173.13(1).

5. The owner or caretaker shall provide the Twin Lakes Police Department with all contact information for the person who will be in possession of the prohibited vicious animal or a certification from a licensed veterinarian that the prohibited vicious animal was humanely euthanized.

D. Appeal process for vicious animal and prohibited vicious animal.

1. Whenever an owner or caretaker wishes to contest an order declaring an animal vicious under subsection (b) or prohibited vicious under subsection (d), he or she shall, within five business days after receipt of the order, deliver to the Twin Lakes Police Department a written objection to the order,

addressed to the administrative reviewer, stating specific reasons for contesting the order. A \$50.00 fee must accompany the request. The administrative reviewer will be appointed by the Village President of the Village of Twin Lakes. Upon receipt of the written objection for administrative review, the appeal will be reviewed within five business days. The administrative reviewer acts as a quasi-judicial body allowing the animal's owner or caretaker an opportunity to present evidence as to why the animal should not be declared vicious or prohibited vicious. The Village elects not to be bound by Wis. Stats. Ch. 68 with respect to administrative procedure in this regard.  
(Ord. 2015-12-1; Ord. 2010-1-1; Ord. passed 2/8/54: prior code § 10.05 (5)).

**7.12.035 Impounding.**

A. Notice to Owner. It shall be the duty of every Police Officer to impound any dog which may be impounded pursuant to this Chapter. The Police Officer shall, if the owner or custodian of the dog is known, notify him as soon as practicable of the impounding, pursuant to Section 7.24.030.

B. Authority to Impound. The Police Officer shall be authorized to impound any dog on:

1. The complaint of any citizen of the Village, which is based on reasonable and articulable facts, that in his opinion any dog within the Village is dangerous, mad, fierce, vicious, unlicensed, suffering from rabies or has been bitten by a cat or dog suffering from rabies;

2. The personal knowledge of the Officer as to any one (1) or more of such facts.

C. Redemption of Impounded Dogs. The owner or keeper of any dog which is impounded pursuant to this Chapter may redeem such dog pursuant to Section 7.24.030. (Ord. 2000-2-1 § 7).

**7.12.050 Pasturing Near Dwelling.**

No domestic animal shall be pastured within two hundred (200) feet of any subdivision dwelling. ((12) of Ord. passed 2/8/54: prior code § 10.05(12)).

**7.12.060 Penalty for Violation of Sections 7.12.010 through 7.12.050.**

Any person violating any provisions of Sections 7.12.010 through 7.12.050 shall be subject to penalty as provided in Section 1.12.010. ((11) of Ord. passed 2/8/54: prior code § 10.05(11)).

**7.12.070 Rabies--Definitions.**

For the purpose of Sections 7.12.070 through 7.12.170, the following definitions shall prevail:

A. The term "cat" applies to any feline animal; B. The term "dog" applies to any canine animal;

C. The term "owner" as used in Sections 7.12.070 through 7.12.170, means any person keeping, harboring, or having charge or control of, or permitting any dog or cat to habitually be or remain on, or be lodged or fed within, such person's house, yard or premises. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises dogs or cats owned by others.

D. Vaccination Against Rabies. Whenever this term is used, it shall mean the inoculation of a dog or cat with a rabies vaccine licensed by the United States Department of Agriculture. Such vaccination must be performed by a veterinarian duly licensed to practice veterinary medicine in the State. ((A) of Ord. passed 10/9/67: Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

**7.12.080 Rabies Vaccination Required.**

A. Effective October 9, 1967, in the Village, every cat or dog six (6) months of age and older shall be vaccinated against rabies. Young dogs and cats shall be vaccinated within thirty (30) days after they have reached five (5) months of age. Unvaccinated dogs or cats acquired or moved into the Village must be vaccinated within thirty days (30) after purchase or arrival, unless under six months (6) of age, as specified above.

B. Every dog shall be revaccinated at not more than twenty-four (24) month intervals thereafter. Every cat shall be vaccinated at not more than twelve (12) month intervals. ((B) of Ord. passed 10/9/67: Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

**7.12.090 Certificate of Rabies Vaccination.**

A. Duties of Veterinarian. It shall be the duty of each veterinarian, at time of vaccinating any dog or cat, to complete a certificate of rabies vaccination (in triplicate) which includes the following information:

1. Owner's name and address;
2. Description of dog or cat (breed, sex, markings, age, name);
3. Date of vaccination;
4. Rabies vaccination tag number;
5. Type of rabies vaccine administered;
6. Manufacturer's serial number of vaccine.

B. Distribution of Copies. The original shall be forwarded to the Village Clerk/Treasurer; first copy to the owner; and the second copy retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies for the interval between vaccinations specified in Section 7.12.080. A metal or durable plastic tag, serially numbered shall be securely attached to the collar or harness of the dog. Whenever the dog is out-of-doors, whether on or off the owner's premises, the collar or harness with the vaccination tag must be worn. No collar or harness shall be required for cats. ((C) of Ord. passed 10/9/67): Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

**7.12.100 Vaccination Cost.**

The cost of rabies vaccination shall be borne by the owner of the dog or cat. ((D) of Ord. passed 10/9/67; Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

**7.12.110 Exception to Vaccination Requirement.**

The provisions of Sections 7.12.070 through 7.12.170 with respect to vaccination shall not apply to any dog or cat owned by a person temporarily remaining within the Village for less than thirty (30) days. ((E) of Ord. passed 10/9/67: Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

**7.12.120 Impoundment of Rabies Suspects.**

A. Any dog or cat suspected of being afflicted with rabies, or any dog or cat not vaccinated in accordance with Section 7.12.080, which has bitten or scratched any person and caused an abrasion of the skin of such person, shall be seized and impounded under the supervision of a licensed veterinarian for a period of not less than ten (10) days. If, upon examination by a veterinarian, the dog or cat has no signs of rabies at the end of said impoundment, it may be released to the owner or, in the case of a stray, it shall be disposed of in accordance with applicable laws.

B. Any dog or cat that has bitten or scratched a human is to be examined by a licensed veterinarian, confined by the owner at home for a ten (10) day period, and then re-examined and released by the veterinarian. If the animal is a rabies suspect, it shall be confined in the care of a licensed veterinarian.

C. For all animals confined at home by the owner, the owner must sign an agreement to so confine this animal and have it re-examined by a licensed veterinarian at the termination of the ten (10) day period. ((F) of Ord. passed 10/9/67: Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

**7.12.130 Animals Bitten or Scratched by Rabid Animals.**

In the case of dogs or cats known to have been bitten or scratched by a rabid animal, the following rules shall apply:

- A. Unvaccinated dogs or cats shall be handled as follows:

1. In the case of dogs or cats which are not vaccinated in accordance with Section 7.12.080, and which have been bitten or scratched by a known rabid animal, said bitten or scratched (exposed) dog or cat should be immediately destroyed;

2. If the owner is unwilling to destroy the bitten or scratched (exposed) dog or cat, strict isolation of the dog or cat in a kennel under veterinary supervision for a minimum of six (6) months shall be enforced.

B. If the bitten or scratched (exposed) dog or cat is vaccinated in accordance with the provision of Section 7.12.080, the dog or cat shall be handled as follows:

1. Immediately revaccinated and confined for a period of thirty (30) days following revaccination; or

2. If the dog or cat is not immediately revaccinated, the dog or cat shall be confined in strict isolation in a kennel for six (6) months under the supervision of a veterinarian; or

3. The dog or cat shall be destroyed if the owner does not comply with item 1 or 2 of subsection B. ((G) of Ord. passed 10/9/67: Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

#### **7.12.150 Rabies Control Enforcement.**

To enforce the provisions of Sections 7.12.070 through 7.12.170, authority for the control of rabies shall be delegated to any Police Officer or other person designated by the Chief of Police.

((I) of Ord. passed 10/9/67: Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

#### **7.12.160 Vaccination a License Requirement.**

Effective October 9, 1967, in the Village every dog six (6) months of age and older shall be licensed only upon proof of rabies vaccination in accordance with provisions of Sections 7.12.070 through 7.12.170.

((K) of Ord. passed 10/9/67: Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

#### **7.12.170 Penalty for Violation of Sections 7.12.070 through 7.12.160.**

The owner of any dog or cat who fails to abide by any of the provisions of Sections 7.12.070 through 7.12.160 shall be subject to penalty as provided in Section 1.12.010.

((J) of Ord. passed 10/9/67: Ord. passed 2/8/54 (part): prior code § 10.05(13) (part)).

#### **7.12.180 Temporary Housing of Animals for Educational Purposes**

By petition to the Village Board, the Village of Twin Lakes does not prohibit someone from keeping and maintaining chickens or animal of similar size on a temporary basis between March 1 and August 30 on a parcel less than two acres in size and zoned in a residential district if such animals are kept and maintained for purposes of exhibition at a state or county fair or as part of a supervised project sponsored by a public school, state or local government or nationally recognized youth organization (such as 4-H Club, Boy Scouts of America, or Girl Scouts of America), provided such animal is kept in a manner and in a location which does not constitute a nuisance and provided further that a presentation shall be made on behalf of the person to the Village Board and such keeping and maintaining of the aforesaid animals shall be only on permission granted by the Village Board after the Village Board considers the presentation made on behalf of the person and any objections or input from owners of property within 500 feet of the parcel in question. (Ord. 2014-12-1)

## CATS

### Sections:

**7.14.020 Dangerous Cats.**

**7.14.030 Impounding.**

### **7.14.020 Dangerous Cats.**

No dangerous, fierce or vicious cat, or cat which disturbs the quiet of any person by howling, shall be harbored or kept within the Village. Any such cat and any animal which bites a person or animal, or so injures a person or animal as to cause an abrasion of the skin is declared to be a nuisance and may be impounded. It is the duty of the person owning or in possession or custody of such cat to surrender it to any Officer upon demand. In the event any cat which has been bitten by another domestic animal is impounded, that cat must be impounded for such period of time as a licensed veterinarian or other Health Officer deems necessary in order to determine whether it has rabies, and the cost of keeping and impounding such cat shall be borne by the owner. (Ord. 2000-2-1 § 12).

### **7.14.030 Impounding.**

A. Notice to Owner. It shall be the duty of every Police Officer to impound any cat which may be impounded pursuant to this Chapter. The Police Officer shall, if the owner or custodian of the cat is known, notify him as soon as practicable of the impounding, pursuant to Section 7.24.030.

B. Authority to Impound. The Police Officer shall be authorized to impound any cat on:

1. The complaint of any citizen of the Village, which is based on reasonable and articulable facts, that in his opinion any cat within the Village is dangerous, mad, fierce, vicious, unlicensed, suffering from rabies or has been bitten by a cat or dog suffering from rabies;

2. The personal knowledge of the Officer as to any one (1) or more of such facts.

C. Redemption of Impounded Cats. The owner or keeper of any cat which is impounded pursuant to this Chapter may redeem such cat pursuant to Section 7.24.030. (Ord. 2000-2-1 § 13).

## Chapter 7.16

### PIGEONS, HARE AND RABBITS

#### Sections:

- 7.16.010 Purpose of Provisions.**
- 7.16.020 Pigeons and Rabbits Near Dwelling Prohibited.**
- 7.16.030 Pigeons at Large Prohibited.**
- 7.16.040 Exceptions.**
- 7.16.050 Clean and Sanitary Condition Required.**
- 7.16.060 Violations--Separate Offenses.**
- 7.16.070 Penalties.**

#### **7.16.010 Purpose of Provisions.**

This Chapter is declared to be for the benefit of the health, safety and welfare of the public and promote the general health, welfare, good order and property of the Village and the inhabitants thereof. (Ord. 82-3-1 (part)).

#### **7.16.020 Pigeons and Rabbits Near Dwelling Prohibited.**

It shall be unlawful to keep or harbor any pigeons, hare or rabbits within two hundred (200) feet of any dwelling house in the Village. (Ord. 82-3-1 (part)).

#### **7.16.030 Pigeons at Large Prohibited.**

No person shall permit any pigeons or birds of similar characteristics or habits to be or fly or travel at large, or to remain upon the premises of the person who owns or harbors the same. No person shall maintain or permit to be maintained an open loft for pigeons. (Ord. 82-3-1 (part)).

#### **7.16.040 Exceptions.**

The harboring of not more than two (2) rabbits or hares as pets or for scientific and educational purposes shall be exempt from the provisions of Section 7.16.020. Any litter from such rabbits or hare may be kept for a period of time not exceeding thirty (30) days from birth. (Ord. 82-3-1 (part)).

#### **7.16.050 Clean and Sanitary Condition Required.**

Every person maintaining a pigeon loft or rabbit hutch within the limits of the Village shall keep the same clean and sanitary and free from all refuse and in such condition so as to be impenetrable against rats or other rodents. The presence of any rats or other rodents in any pigeon loft or rabbit hutch shall be prima facie evidence that such loft or hutch is maintained in violation of this Section. (Ord. 82-3-1 (part)).

#### **7.16.060 Violations--Separate Offenses.**

Each day of continued violation of this Chapter constitutes a separate offense. (Ord. 82-3-1 (part)).

#### **7.16.070 Penalties.**

Any person who violates any provision of this Chapter shall upon conviction forfeit not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) with cost of prosecution, and in default of payment of such forfeiture shall be imprisoned in the County Jail until full payment is made, but not exceeding sixty (60) days. (Ord. 82-3-1 (part)).

## Chapter 7.20

### INJURING BIRDS, NESTS OR EGGS

#### Sections:

#### **7.20.010 Injuring Birds, Nests or Eggs--Penalty.**

#### **7.20.010 Injuring Birds, Nests or Eggs--Penalty.**

It is unlawful for any person or persons to injure any birds' nests, birds' eggs, or birds within the limits of this Village. Any person found throwing stones, or shooting, or using any implement with the intention of killing or frightening any birds within this Village shall be subject to penalty as provided in Section 1.12.010 of this Code. (Prior code § 10.04).

## Chapter 7.24

### DOMESTIC ANIMALS

#### Sections:

- 7.24.010 Number of Domesticated Animals Limited.**
- 7.24.020 Domesticated Animals Running At Large--Penalty.**
- 7.24.030 Impoundment.**
- 7.24.040 Damage to Property.**
- 7.24.050 Entering Premises to Seize Domestic Animals.**

#### **7.24.010 Number of Domesticated Animals Limited.**

A. The owning, harboring and keeping of an unlimited number of domesticated animals in the Village 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 domesticated animals is, therefor, declared to be a public nuisance.

B. The occupant of any premises on which a domesticated animal remains or to which it customarily returns daily for a period of at least five (5) days shall be presumed to be harboring or keeping the animal. Prima facie evidence that an animal is being kept or harbored is met when the occupant of any premise provides food for purposes of consumption by the domestic animal.

C. It is unlawful to keep more than three (3) domesticated animals in a single family dwelling unit except: (1) that each dwelling unit in a multiple-family unit shall only be allowed two (2) such animals per dwelling unit; or (2) on property containing five (5) or more contiguous acres under the direct control of the owner of the animals and containing not more than one (1) residential dwelling.

D. Notwithstanding the provisions of subsection C of this Section, a litter of pups or kittens may be kept for a period of time not to exceed five (5) months from birth.

E. The provisions of this Section shall not apply to any licensed kennel, pet shop, animal shelter or veterinary clinic.

F. Notwithstanding the provisions of subsection C of this Section, it is unlawful to keep more than one (1) potbellied pig for each dwelling unit.

G. It is unlawful to harbor or keep any animal which:

1. Is known to be infected with rabies or to have been bitten by an animal known to have been infected with rabies; or

2. Is deemed by the Police Chief to be a prohibited nuisance animal; or

3. Is deemed by the Police Chief to be a prohibited vicious animal.

H. Subsection C of this Section will be waived for dogs with the approval of the Village Board or when a kennel license has been issued by the Village. (Ord. 2015-12-1; Ord. 2000-2-1 § 15).

#### **7.24.020 Domesticated Animals Running At Large--Penalty.**

A. Prohibited. No person who owns or possesses a domesticated animal shall permit such animal to run at large. "Run at Large" means the presence of a domesticated animal at any place except upon the premises of the owner, unless it is on a leash held by a person physically able to control the domesticated animal. Domesticated animals must be on-leash in any public place or on any public property.

B. Penalty. Whenever any Police Officer or other person designated by the Village shall find any domesticated animal running at large, he or she shall, if possible, pick up and impound such animal pursuant to Section 7.24.030 of this Chapter. Any dog impounded shall be held for a period of seven (7) days and all other domesticated animals shall be impounded for three (3) days; except any cat, ferret, and potbellied pig deemed feral, sick, injured, or unduly suffering may be euthanized upon impoundment.

Any domesticated animal impounded for a third time shall not be released unless the owner agrees to neuter the animal and pay the cost thereof. The destruction of any impounded domesticated animal by any Health

Officer or other person designated by the Village under the provisions of this Section shall be by means of lethal injection. (Ord. 2000-2-1 § 16)(Ord. 2017-5-2).

#### **7.24.030 Impoundment.**

A. Any person who shall capture and restrain any domesticated animal running at large shall deliver the animal to the Police Department for impoundment at the Village pound. If the owner of such domestic animal is known or can be reasonably ascertained, the Police Department shall notify the owner, either personally or by mail.

The Police Department shall be in charge of the pound and shall keep a record of each domestic animal impounded, with a description of the domestic animal, dates of impoundment, a notation as to the efforts to notify or locate the owner, disposition of the domestic animal and the name and address of the person claiming the domestic animal. If the person claiming the domestic animal is not the owner, the record shall also include an address as to where the domestic animal will be kept.

B. Ten (10) Day Impoundment Period. An impounded domestic animal that is not claimed by the owner within ten (10) days of the date that the domestic animal is impounded, may be disposed of in a humane manner or released to some other suitable person; however, any domestic animal deemed feral, sick, injured or unduly suffering may be euthanized upon impoundment. Before a domestic animal shall be released to its owner, the person claiming the domestic animal shall pay all impoundment and boarding fees as shall be set by the Village Board. In addition thereto, if the dog or cat does not have a valid license tag and rabies tag, the person claiming the dog or cat shall sign a statement agreeing to obtain a dog or cat license tag and a valid rabies tag within seventy-two (72) hours of the release. In the event that such person shall not obtain the required dog or cat license tag and rabies tag within the seventy-two (72) hour period, such person shall be subject to a penalty for violation of this Chapter and the dog or cat may be proceeded against as a public nuisance. Impoundment and board fees as established in Section 3.06.010(H) of this Code shall be in addition to any fines or forfeitures imposed by a Court for violation of any provision of this Chapter.

C. Any domesticated animal having rabies may be put to death at the direction of the Chief of Police.

D. In the event any domesticated animal which has been bitten by another domesticated animal is impounded, that domesticated animal shall be quarantined for such period of time as is necessary in order to determine whether it has rabies and the cost of impounding such domesticated animal shall be borne by the owner. Impoundment shall be for the period of time as a licensed veterinarian or other Health Officer deems necessary in order to determine whether it has rabies, and the cost of keeping and impounding such domesticated animal shall be borne by the owner. (Ord. 2005-2-2; Ord. 2000-2-1 § 17.).

#### **7.24.040 Damage to Property.**

No person shall, without the consent of the owner of the property concerned, permit any domestic animal under his custody or control to injure, destroy or carry away any vegetable, plant, fruit, shrub, tree, flower or other thing which may be on the premises of another within the Village or which may be planted or seeded there. (Ord. 2000-2-1 § 18).

#### **7.24.050 Entering Premises to Seize Domestic Animals.**

An Officer may enter upon the premises of an owner of any dangerous, mad, fierce or vicious domestic animal, or any domestic animal suffering from rabies, or any domestic animal bitten by another domestic animal afflicted with rabies, for the purpose of seizing it. If after request therefor, the owner of such domestic animal or an immediate member of the owner's family, over sixteen (16) years of age, shall refuse to deliver the domestic animal to the Officer, and the Officer cannot with reasonable effort catch the domestic animal, he may kill it. Knowledge by such Officer of one or more of such facts, the complaint of a citizen of the Village stating same, or a bona fide certificate that such domestic animal is suffering from rabies shall authorize such Officer to enter such premises and either impound such domestic animal or kill it if not delivered to such Officer as set forth in this Section. (Ord. 2000-2-1 § 19).