

## CHAPTER 14

### ANIMAL CARE AND LICENSES

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## 14.01 DEFINITIONS.

(1) "Animal" includes every living:

- (a) Warm-blooded creature, except a human being;
- (b) Reptile; or
- (c) Amphibian.

(2) "Cruel" shall mean causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

(3) "Law Enforcement Officer" has the meaning assigned under section 967.02(5) of the Wisconsin Statutes and includes a humane officer under section 58.07, but does not include a conservation warden appointed under section 23.10 of the Wisconsin Statutes.

(4) "Farm animal" shall mean any animal normally raised on farms or used or intended for use as food or fiber.

(5) "Commercial Animal Establishment" shall mean any pet shop, grooming shop, or kennel and shall exclude any city pound, humane society, animal shelter, or veterinary facility.

(6) "Owner" shall include every person who owns, harbors, or keeps an animal.

(7) "Grooming Shop" shall mean a commercial establishment where animals are bathed, clipped, or otherwise groomed.

(8) "Kennel" shall mean any establishment where dogs or cats are kept for the purpose of breeding, selling, buying, or boarding.

(9) "Pet Shop" shall mean any establishment where any dog, cat, rabbit, rodent, nonhuman primate, bird, or other vertebrate animal is bought, sold, exchanged, or offered for sale to the general public.

14.02 CONSTRUCTION AND APPLICATION. This chapter shall not be interpreted as covering any law regulating the trapping of animals, the use of live animals in dog trials or in training of hunting dogs, or the slaughter of animals by persons acting under state or federal law, or taking of animals through hunting or fishing as permitted by law. All provisions of the Revised Municipal Code Section 21.03(16) shall apply to this ordinance.

14.03 MISTREATING ANIMALS. No person may treat any animal, whether belonging to himself or another, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.

14.04 TAKING WITHOUT OWNER'S CONSENT. No person may take a dog or cat from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of this state or held for any purpose without the owner's consent, except when such animal is taken by a law enforcement officer as designated above.

14.05 TRANSPORTATION OF ANIMALS. No person may transport any animal in or upon any vehicle in a cruel manner.

14.06 USE OF POISONOUS AND CONTROLLED SUBSTANCES. No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in section 961.14 of the Wisconsin Statutes, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal. This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of a controlled substance in bona fide experiments carried on for scientific research or in accepted veterinary practices.

14.07 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS. 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.

(1) Food. The food shall be of sufficient quantity and nutritive value to maintain the animals in good health.

(2) Water. 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.

14.08 PROVIDING 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.

(1) Indoor Standards. Minimum indoor standards of shelter shall include:

(a) Ambient temperatures which shall be compatible with the health of the animal.

(b) Ventilation for indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(2) Outdoor Standards. Minimum outdoor standards of shelter shall include:

(a) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or confined, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(b) Shelter from inclement weather.

1. 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.

2. Dogs. If a dog is tied or confined unattended outdoors, a moistureproof and windproof shelter of suitable size to accommodate the dog shall be provided.

(3) Space Standards. Minimum space requirements for both indoor and outdoor enclosures shall include:

(a) 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.

(b) 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.

(4) 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 and odors as provided in the Revised Municipal. Code Section 21.03(16).

14.09 ABANDONMENT. No person may abandon any animal.

(1) Any law enforcement officer may remove, shelter, and care for any 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.

(2) 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.

## 14.10 VACCINATION (Rabies Control).

(1) Every owner of a dog or cat four (4) months of age shall have his/her animal inoculated with an anti-rabies vaccine by a licensed veterinarian. The tag received shall be firmly attached to the collar of the animal.

(a) Exceptions. No dog or cat shall require the vaccination if a licensed veterinarian has examined the animal and certified that at such time vaccination would endanger its health because of age, infirmity, debility, illness, or other medical consideration. Such exempt animal shall be vaccinated as soon as health permits.

(2) All other provisions of Section 21 of Chapter 95 of the Wisconsin Statutes pertaining to rabies control are made a part of this section by reference thereto.

14.11 RE-VACCINATION. Every owner of a dog or cat shall have such animal re-vaccinated within one (1) year of the initial vaccination and thereafter within every three (3) years.

## 14.12 BITES BY DOMESTIC ANIMALS.

(1) It shall be the duty of any person bitten or scratched by any animal to report the fact within twelve (12) hours to the City Health Officer and/or a physician.

(2) Quarantine. A healthy domestic dog or cat without current rabies shots that bites a person shall be captured, confined, and observed for ten (10) days by a veterinarian or at the animal shelter at the expense of the owner. A healthy domestic dog or cat with current rabies shots that bites a person may be quarantined on the premises of the owner after contacting and with the approval of the law enforcement officer.

(a) After such quarantine period animals that have not previously been vaccinated must be vaccinated and proof sent to the health officer within seventy-two (72) hours of release.

(b) A domestic animal that has been exposed to rabies shall be held in quarantine for six (6) months.

(c) A domestic animal that has been vaccinated but is exposed to rabies shall be quarantined for sixty (60) days.

## 14.13 BITES BY WILD ANIMALS

(1) It shall be the duty of any person bitten or scratched by any wild animal to report the fact within twelve (12) hours to the health officer and/or the attending physician.

(2) Any wild animal that bites or scratches a person shall be killed at once (without unnecessary damage to the head) and the brain examined for evidence of rabies.

14.14 LICENSES.

(1) Every owner of a dog or cat more than five (5) months of age shall annually or within thirty (30) days from such date, pay the dog or cat license tax and obtain a license. Rabies certificates are required to be shown prior to issuance of licenses. The license fees are as follows:

- (a) Neutered or spayed dog.....\$ 12.00
- (b) Un-neutered or un-spayed dog .....\$ 22.00
- (c) Neutered or spayed cat.....\$ 2.50
- (d) Un-neutered or un-spayed cat.....\$ 4.00

(2) Any person who keeps more than one dog may, instead of the individual license for each dog, request a multiple dog license. Such person shall pay for the license a fee of \$85, which includes the licensing for up to 12 dogs. Each dog license over the maximum of twelve (12) will be charged at the rates (a) & (b) listed above.

- (a) Multiple Dog License..... \$85.00 (Includes licensing of up to 12 dogs)
- Each additional dog over 12.....\$12.00/each additional dog (Spayed or Neuterd)
- Each additional dog over 12.....\$22.00/each additional dog (Un-spayed or Un-neuterd)

(3) Readily distinguishable multiple dog license tags will be issued for the total number of dogs authorized to be kept by the person at time of licensing. An owner or keeper may transfer a multiple dog license tag from a dog that the owner or keeper no longer owns or keeps to another dog that is owned or kept as long as it is currently immunized against rabies.

(4) The City Treasurer shall assess and collect a late fee of \$5.00 from every owner of a dog or cat five (5) months of age or over, if the owner fails 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 fails to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the City treasury as revenue of the City.

(5) Persons prohibited from possessing a dog within the City of Stevens Point:

(a) No person shall possess a dog if any of the following apply:

- i. A court has ordered one or more of the person's dogs killed pursuant to s. 174.02(3), Wis. Stats.

- ii. The person has had one or more of his or her dogs seized pursuant to s. 173.12, Wis. Stats. or ss. 173.13(1)(a)5 through 173.13(1)(a)8, Wis. Stats.
- iii. The person has had one or more of his or her dogs seized or ordered killed pursuant to the laws of another state.

(b) Any person violating sub. (5)a shall suffer a forfeiture of \$100 per dog.

(c) Any person who violates sub. 5(a) of this section shall surrender all dogs in his or her possession to the Humane Society of Portage County within three (3) days of the date of the violation or suffer a forfeiture of \$100 per dog, per day for each subsequent day until the dogs are surrendered.

(6) Chickens, Ducks, and Rabbits

(a) Any person may apply for a permit to keep up to five (5) chickens, ducks, or rabbits under this subsection. Only one such permit per household may be issued under this subsection.

(b) Permits under this subsection may be issued by the City Clerk's office, provided that the following conditions are met:

(i) The applicant has registered with the Wisconsin Department of Agriculture, Trade and Consumer Protection as a "Livestock Premises Registration Application."

(ii) The applicant provides a written description and drawings of the proposed enclosure and its placement on the applicant's property.

(iii) The applicant certifies that he or she shall abide by the following restrictions:

A. No roosters shall be kept.

B. No animals shall be slaughtered upon the applicant's premises.

C. The animals shall be provided with a covered enclosure and must be kept in the covered enclosure or a fenced enclosure at all times.

D. No enclosure shall be located closer than 25 feet to any residential structure on an adjacent lot.

E. That the provisions of RMC 21.03(16)(b)1.a. through 21.03(16)(b)1.f. and Chapter 14 of the RMC shall be satisfied.

F.

(iv) The applicant pays a \$10.00 licensing fee.

- (c) Any permit issued under this subsection may be revoked by affirmative vote of the Common Council at any time upon application by the Building Inspector and a showing that the permit holder is in violation of one or more of the provisions of subsection 2.c.

14.14(7) Farm, Dangerous, or wild animals.

(a) Prohibition. No person shall keep, maintain, or have in his possession or under his control or sell or convey within the city, except as provided below, any farm or dangerous or wild animal. Farm or dangerous or wild animal means and includes any animal which is not naturally tame or which, because of its size, vicious nature, or other characteristic could constitute a danger to human life or property if the animal is not contained on its premises, or any animal associated with a farming operation. Chickens, ducks, and rabbits are not considered farm, dangerous, or wild animals and are subject to the provisions of subsection 14.14(6).

(b) Special Permit.

- (i) Criteria for a Special Permit. The Public Protection Committee may issue a special permit for the keeping or maintenance of a farm or dangerous or wild animal if it finds:
- A. That the animal is at all times kept in a safe manner and that it at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others.
  - B. That adequate safeguards are made to prevent unauthorized access to such animal by members of the public.
  - C. That the health or well-being of the animal is not in any way endangered by the manner of keeping or confinement.
  - D. That the keeping of such animal does not constitute a nuisance and will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.
  - E. That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health.
  - F. That the quarters in which such animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition.
  - G. That the applicant for such special permit prove his ability to respond in damages to and including the amount of One Hundred Thousand Dollars for bodily injury to or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping, or maintenance of such animal. Proof of liability to respond in damages may be given by filing a Certificate of Insurance stating that applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond in such damages during the period of such special permit. Such Certificate of Insurance shall provide written notice is

first given to the City.

- H. That such applicant shall comply with all provisions of Section 14 of the Revised Municipal Code.
- (ii) Inspection. The City or its designated representative may from time to time inspect the premises subject to such special permit to determine whether the person to whom it has been issued is continuing to comply with all of the conditions specified in this article. If, during any inspection, the City or its representative finds any of the conditions specified under sections (b)(1)(a-h) are being violated, the special permit shall be revoked.
- (iii) Limit. Repealed on November 6, 2007.
- (iv) Exceptions. The provisions of this section shall not apply to the keeping of animals in the following cases:
- A. The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view, or for the purpose of instruction or study.
- B. The keeping of such animals for exhibition to the public of such animals by a circus, carnival or other exhibit or show.
- C. The keeping of such animals in a bona fide licensed veterinary hospital for treatment.
- D. The dangerous or poisonous reptiles may be maintained in a bona fide educational or medical institution for the purpose of instruction or study, provided such reptiles are securely confined and are properly cared for in a manner satisfactory to the animal control officers.
- (v) Term. A Special Permit issued under this section shall be valid indefinitely, but may be revoked at any time at the sole discretion of the Common Council.

#### 14.15 COMMERCIAL ANIMAL ESTABLISHMENTS.

(1) Any person who keeps or operates a commercial animal establishment shall apply to the city for a license for the keeping or operating of such commercial animal establishment. A license fee of \$36 shall be paid for the license year for such establishment. Prior to issuance of such license by the city and annually thereafter, the premises shall be inspected to insure that the premises complies with the provisions of this ordinance.

(2) Each holder shall take reasonable care to release for sale, trade, or adoption only those animals which are free of disease, injuries, or abnormalities. The law

enforcement officer may request an examination by a veterinarian. The following shall deem an animal unfit for sale or release:

- (a) Obvious signs of infectious diseases such as distemper, hepatitis, leptospirosis, rabies, or other similar disease.
- (b) Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.
- (c) Obvious signs of severe parasitism - extreme enough to be influencing general health.
- (d) Obvious fractures or congenital abnormalities affecting general health of animal.

(3) All commercial animal establishments shall comply with the following standards:

- (a) All animals, birds, or fish shall be displayed in a healthy condition or, if ill, removed from display and shall be given appropriate treatment immediately.
- (b) All animals shall be quartered, and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
- (c) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.
- (d) Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance.
- (e) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn, and stretch out to its full length.
- (f) The floor and walls of any room in which animals are kept shall be covered with impervious, smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
- (g) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent-proof containers.
- (h) Water: There shall be available hot water for washing cages. Fresh drinking water shall be available to all species at all times. All water containers shall

be mounted so the animal cannot easily turn them over, and be removable for cleaning.

(i) Feeding: Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same.

(j) All animals must be fed and watered according to the accepted procedure for that species and cages cleaned every day.

(k) Fish: The water temperature shall be maintained at a temperature that is healthful.

(l) Shade Required: Shade from the direct rays of the sun shall be provided for all animals.

(m) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds.

14.16 STATE REGULATIONS. The provisions of Chapter 174, Wisconsin Statutes, pertaining to licensing of dogs are made a part of this section by reference thereto, except where the amount of such license fee is increased herein.

#### 14.17 DOGS AND CATS NOT TO RUN AT LARGE.

(1) It shall be unlawful to own, keep, or harbor a dog or cat which runs at large within the limits of the city.

(2) Under the provisions of this section, a dog or cat shall be considered as running at large when it is not on the premises of its owner, unless it is on a leash.

14.18 VICIOUS ANIMALS. The owner of any vicious animal shall keep the same securely enclosed on the owner's premises away from the proximity of sidewalks, paths, or alleys, and shall keep it muzzled when exercising it.

14.19 FEMALE ANIMALS IN SEASON. Any female dog or cat in season shall be kept confined in a building or secure kennel enclosure, veterinary hospital, or boarding kennel during the duration of such season.

#### 14.20 EXERCISING ANIMALS.

(1) No person shall exercise or walk a dog on a leash more than six (6) feet in length.

(2) No owner shall allow or permit the animal to defecate upon the property not owned by such person or without such other property owner's consent or upon any public property, excluding therefrom any property used for street purposes, without immediately removing feces.

14.21 HOWLING ANIMALS. No person shall own, keep, have in his possession, or harbor any animal within the city which by frequent or habitual howling, yelping, or barking shall cause a serious disturbance to persons or to the neighborhood, provided that the provisions of this section shall not apply to licensed animal hospitals conducted for the treatment of small animals or to the premises used and occupied by the city for impounding animals.

No person shall be convicted under the provisions of this section except upon a plea of guilty or nolo contendere or upon a complaint executed by three (3) or more persons of different households.

14.22 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 injured. In the event the owner of such injured animal cannot be located, the city or any animal control agency with whom the city has an agreement or contract, shall have the authority to acquire such animal for the purpose of providing medical treatment and the owner thereof shall be responsible for reimbursement of medical costs.

(1) The operator of any vehicle involved in an accident resulting in injury to or death of any domestic animal shall stop such vehicle at the scene of the accident or as close thereto as possible but shall then forthwith return to and shall, if possible, remove the animal to the side of the road-way and notify the Stevens Point Police Department or the city's contracted animal control agency.

#### 14.23 ANIMAL CONTROL AGENCY.

(1) The Common Council of the City of Stevens Point may, if it deems advisable, contract with or enter into an agreement with such person, persons, organization, or corporation to provide for the operation of a city animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals, and for assisting in the administration of rabies vaccination programs.

(2) Enforcement. The Common Council of the City of Stevens Point may, if it deems advisable, further authorize the animal control agency to assist in enforcing the provisions of this ordinance.

(3) Dogs and cats under five months of age acquired from the pound or shelter facility shall be spayed or neutered by eight months of age. Dogs and cats acquired from the pound at an age of five or more months shall be spayed or neutered within 30 days.

14.24 LIABILITY. The City of Stevens Point and/or its animal control agency or its designated agent shall not be liable to any person for the death, destruction, injury, or disease caused to any animal that has been impounded pursuant to this ordinance.

14.25 FEEDING OF DEER PROHIBITED. No person may place any salt, mineral, grain, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer.

(1) Presumption. There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:

(a) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon at the height of less than six feet off the ground.

(b) The placement of salt, mineral, grain, fruit or vegetable material in an aggregate quantity of greater than one-half gallon in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material.

(2) Exceptions. This ordinance shall not apply to the following situations.

(a) Hunting. The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons.

(b) Naturally Growing Materials. Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, gardens and other vegetable materials maintained as a mulch pile.

(c) Bird Feeders. Unmodified commercially purchased bird feeders or their equivalent.

(d) Authorized by the Common Council. Deer feeding may be authorized on a temporary basis by the Common Council for a specific public purpose as determined by the Common Council.

(e) Counting. Deer feeding may be authorized on a temporary basis by the Common Council for the purpose of determining the deer population.

14.26 PENALTY. Every person, firm, or corporation convicted of a violation of any of the provisions of the sections or parts thereof of this chapter is, for each offense, subject to a forfeiture not to exceed \$150.00 and in lieu of such payment assessed, imprisonment for not more than forty-five (45) days in the county jail.