

TITLE 7

Licensing and Regulation

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CHAPTER 1

Licensing of Dogs and Regulation of Animals

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SEC. 7-1-1 DEFINITIONS.

- (a) Animal: Any live, vertebrate creature, domestic or wild.

- (b) Animal At-large: An animal shall be deemed at-large when off the property of the owner and not under restraint or control.
- (c) Animal Control Officer: Any person designated by the Sauk County Police Department to enforce Village ordinances and State Statutes, adopted by reference, as they pertain to animal control.
- (d) Animal Shelter: Any facility operated by a humane society of Sauk County Sheriff's Department, or its authorized agents, for the purpose of impounding and caring for animals held under the authority of this Ordinance or State Law.
- (e) Confined: Restriction of an animal at all times by the owner, or his agent, to an escape-proof building or other enclosure.
- (f) Domestic Animal: Any animal which normally can be considered tame and converted to home life.
- (g) Dwelling Unit: A building, or portion thereof, designed or used exclusively for residential purposes.
- (h) Health Officer: A duly designated representative of the Village who is empowered to enforce health and sanitation regulations.
- (i) Kennel: Any premises wherein any person engages in the business of boarding, breeding (more than one (1) litter per year), buying, letting for hire, or selling cats or dogs (buying or selling more than three (3) adult animals per year).
- (j) Licensing Authority: The Village of Prairie du Sac is the licensing authority.
- (k) Owner: Any person who owns, harbors or keeps an animal. Where an animal is kept by a family, the head of the household shall be responsible for the requirements of this Ordinance. Any animal shall be deemed to be harbored if it is fed and sheltered.
- (l) Public Nuisances: For the purpose of this Chapter, a public nuisance is any animal or animals which:
 1. Molests a passerby, or passing vehicles;
 2. Attacks persons or animals without provocation when they were peacefully conducting themselves, where they were lawfully entitled to be off the owner's property;
 3. Trespasses on school grounds, parks, or cemeteries;
 4. Is repeatedly at-large;
 5. Damages private or public property;
 6. Barks, whines, or howls in an excessive, continuous, or untimely fashion.
- (m) Render Sterile: Refers to a surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring, includes neutering and spaying.
- (n) Restraint: Any animal secured by a leash, or under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner.
- (o) Veterinary Hospital or Clinic: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.
- (p) Vicious Animal: Any animal that, when unprovoked, inflicts bites, injures, kills, or attacks a human being or domestic animal on either public or private property, off the property of the owner.

EXCEPTIONS: Notwithstanding the definition of a "Vicious Animal" above:

1. No animal may be declared vicious if death, injury, or damage is sustained by a person who, at the time such was sustained, was committing a trespass of the land or criminal trespass of the dwelling upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or

attempting to commit a crime or violating or attempting to violate an Ordinance which protects persons and property.

2. No animal may be declared vicious if death, injury, or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing, or assaulting the animal.
 3. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
 4. No animal may be declared vicious for acts committed by said animal while being utilized by a law enforcement officer for a law enforcement agency.
- (q) Wild Animal. Any live raccoon, skunk, fox, wolf, poisonous snake or any snake exceeding three (3) feet in length, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in the wild state.
- (r) Exotic Domestic Animal: Any wild animal which is not native to Wisconsin and may have been domesticated, such as ferrets and primates.
- (s) Trained Individual: Has the meaning as defined in Wisconsin Administrative Code, AG 13.
- (t) Veterinarian: Has the meaning as defined in Wisconsin Administrative Code, AG 13.
- (u) Pet Foster Program: Humane Society recognized program designating an individual(s) as dog or cat rehabilitators or foster owners.

History: Code of Ordinances, 1986 Sec.7-1-1(u) created. Ordinance No. 4, Series of 2005.

SEC. 7-1-2 DOG AND CAT LICENSES REQUIRED.

- (a) LICENSE REQUIRED. It shall be unlawful for any person in the Village of Prairie du Sac to own, harbor or keep any dog or cat more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) 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 animal becomes five (5) months of age, pay a license tax and obtain a license.
- (c) The minimum license tax under this Section shall be as stated in the Schedule of Fees for spayed or unspayed females, neutered or unneutered males, unless one of the two following exceptions applies:
1. The owner of the animal files with the Village Administrator a signed statement from a licensed veterinarian, which states that the animal is unable to reproduce; or
 2. The owner of the animal files with the Village Administrator a statement from a licensed veterinarian, which states that spaying or neutering may be hazardous to the animal's health and is not recommended.
 3. These amounts shall be reduced by one-half if the animal becomes five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.
- (d) 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 Sec 7-1-3 of this Chapter, the Village Administrator shall be responsible for the issuance to the owner of a license for such dog or cat containing all information required by state law. The Administrator 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.

- (e) 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.
- (f) The fact that a dog or cat is without a tag attached by means of a collar shall be presumptive evidence that the dog or cat is unlicensed. Any Village police or humane officer shall seize, impound or restrain any dog or cat for which a license is required which is found without such tag attached.
- (g) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from dog license tax and every person owning such a dog shall receive annually a free dog license from the Administrator upon application therefor.

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

History: Code of Ordinances, 1986 Sec.7-1-2c repealed and recreated. Ordinance No. 1, Series of 1997.

SEC. 7-1-3 RABIES VACCINATION REQUIRED FOR LICENSE.

- (a) **RABIES VACCINATION.** The owner of a dog or cat shall have the animal vaccinated against rabies by a veterinarian within thirty (30) days after the animal reaches four (4) months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the Village of Prairie du Sac after the animal has reached four (4) months of age, the owner shall have the animal vaccinated against rabies within thirty (30) days after the animal is obtained or brought into the Village unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 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 department stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat, the date of the vaccination, the type of rabies vaccine 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 city where the animal is required to be licensed.
- (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. 7-1-4 ISSUANCE OF KENNEL LICENSES/PET FOSTER PERMITS.

- (a) KENNELS LICENSES. Every operator of a kennel, as defined by this ordinance, shall between January 1 and January 31 of each year, or upon commencement of operation, pay to the Village Administrator the established kennel license fee and obtain a license therefore.

- (1) Kennel licenses shall only be permitted in the BH Highway Business, BC Central Business, ML Limited Industrial, AT Agricultural Transition, AH Agricultural Holding and AP Agricultural Preservation districts upon obtaining a Conditional Use Permit per Section 10-1-43.
- (2) Kennel operators must have dogs vaccinated for rabies. Kennel operators are not required to license individual animals. No kennel fee is to be required of any veterinary hospital (or clinic) or animal shelter. Kennel location is subject to applicable zoning and other Village Ordinances.
- (3) An annual license shall be issued upon payment of the applicable fee:
 - a. For each kennel housing twelve (12) or less dogs, the fee as stated in the Schedule of Fees for twelve (12) dogs.
 - b. For each dog over twelve (12) months not rendered sterile, an additional fee as stated in the Schedule of Fees per dog.
 - c. For each dog over twelve (12) dogs rendered sterile, an additional fee as stated in the Schedule of Fees per dog.

- (b) PET FOSTER PERMITS. Persons wishing to harbor cats or dogs for purposes of care and/or rehabilitation as part of a Pet Foster Program shall first obtain a Pet Foster Permit from the Village Board pursuant to the procedures set forth in Section 7-1-19(c)(3).

- (1) Pet Foster permits shall permit owners to harbor and care for additional dogs or cats while a permanent owner is being sought, for a period not to exceed one hundred fifty (150) days.
- (2) The dog or cat will be subject to all other applicable ordinance requirements including licensing.
- (3) The total number of dogs or cats in a Pet Foster Home shall, at no time, exceed five (5) dogs or cats, including dogs or cats that the Pet Foster Owner already owns, or is caring for.
- (4) The owner shall pay a fee for the Pet Foster Permit as stated in the Schedule of Fees. Once the Pet Foster Permit is obtained, the owner will not be required to renew the permit unless they relocate within the Village. Said permit may be revoked upon action by the Village Board if two (2) or more complaints about the number or conduct of the pets are filed with the Police Department within a twelve (12) month period.

History: Code of Ordinances, 1986 Sec.7-1-4 repealed and recreated. Ordinance No. 4, Series of 2005.

SEC. 7-1-5 LATE FEES.

The Village Administrator shall assess and collect a late fee as stated in the Schedule of Fees:

1. From every owner of a dog or cat five (5) months of age or over, if the owner failed to obtain a license prior to April 1 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 before the dog reached licensable age.
2. From every owner of a kennel who fails to obtain a license by January 31 of each year.

SEC. 7-1-6 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 Administrator shall promptly post in at least three (3) public places in the Village, notices of quarantine furnished by the department for posting.
- (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 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 may kill a dog or cat only as a last resort or if the owner agrees. 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 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 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.
 - (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) Sacrifice 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.
- (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 department, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that 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 department, 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. 7-1-7 RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL AND OTHER ANIMALS.

- (a) RESTRICTIONS. It shall be unlawful for any person within the Village of Prairie du Sac to own, harbor or keep any dog or cat 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 Sec.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) Is unlicensed.
- (b) **VICIOUS ANIMALS.**
 - (1) No vicious animal 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. For purposes of enforcing this Section, an animal shall be deemed as being of a vicious disposition if, within any twelve (12) month period, it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. Any vicious animal which is found off the premises of its owner other than as herein above provided, may be seized by any person, and upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said animal, by testimony under oath reduced to writing, be killed by the police authorities.
 - (2) No person shall harbor or permit to remain on his 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 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 an officer of the Humane Society or the Sauk Prairie Police.
 - (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.
- (d) **OWNER'S LIABILITY FOR DAMAGE CAUSED BY DOGS; PENALTIES.** The provisions of Section 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. 7-1-8 IMPOUNDMENT OF ANIMALS.

- (a) **IMPOUNDING OF ANIMALS.** In addition, any penalty hereinafter provided for a violation of this Chapter, any Police or Humane 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 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.
- (b) **CLAIMING ANIMAL; DISPOSAL OF UNCLAIMED ANIMALS.** After seizure of animals under this Section by the Village Police or Humane Officer, the animal shall be impounded by the proper officer in the Humane Society Animal Shelter of Sauk County. 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 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

fourteen (14) days for observation purposes. Within such times the owner may reclaim the animal upon payment as stated in the Schedule of Fees, plus an additional fee as stated in the Schedule of Fees for each day it remained in the Animal Shelter. No animal shall be released from the pound without being properly licensed if so required by state law.

- (c) SALE OF IMPOUNDED ANIMALS. If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer for a fee to be determined by the Humane Society of Sauk County or dispose of it.
- (d) VILLAGE NOT LIABLE FOR IMPOUNDING ANIMALS. The Village shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

SEC. 7-1-9 DOGS AND CATS RESTRICTED ON CEMETERIES.

No dog, cat or any other animal shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this Section.

SEC. 7-1-10 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 the Police Department of the Village of Prairie du Sac and shall keep such dog or cat confined for not less than fourteen (14) days or for such period of time as the Police Department shall direct. The owner or keeper of any such dog or cat shall surrender the dog or cat to a Village Police Officer or the Humane Officer upon demand for examination.

SEC. 7-1-11 ANIMAL WASTE.

- (a) The owner or person in charge of any dog 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 therefrom by said owner or person in charge. Anyone walking a dog without proper cleanup materials may be deemed in violation of this Section. This Section shall not apply to a person who is visually or physically handicapped.
- (b) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly so not to attract insects or rodents, becoming unsightly or cause objectionable odors.

SEC. 7-1-12 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. 7-1-13 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. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Police Department within a four (4) week period.

SEC. 7-1-14 PROHIBITED AND PROTECTED ANIMALS; 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 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*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kemp*i).
- (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: Regarding Protected Animals.** The provisions of Subsection (a) above shall not be deemed to prevent the 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.

(c) **WILD ANIMALS; PROHIBITION ON KEEPING.** It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal 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 control within the Village any of the following animals:

- (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, six (6) feet in length or more.
- (9) Coyotes (*Canis latrans*).
- (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) Piranha fish (Characidae).
 - (22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
 - (23) Rhinoceroses (Rhinocerotidae).
 - (24) Sharks (class Chondrichthyes).
 - (25) Snow leopards (Panthera uncia).
 - (26) Swine (Suidae).
 - (27) Tigers (Panthera tigris).
 - (28) Wolves (Canis lupus).
 - (29) Poisonous insects.
- (d) EXCEPTION: Regarding Wild Animals. The provisions of Subsection (c) above shall not apply to licensed pet shops, zoological gardens and circuses, 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. For purposes hereof, the term “Farm Animals” means any animals normally raised on farms in the United States and used for food or fiber. Farm Animals include, but are not limited to, chickens, ducks, geese, rabbits (more than four rabbits), bees, wasps, hornets, horses, mules, ponies, donkeys, cattle, swine (including miniature pigs), goats or any other similar type of animal. No person shall bring into, keep or maintain within the Village of Prairie du Sac any Farm Animal, except that this prohibition shall not apply to:
- (1) Areas of the Village which are zoned for agricultural purposes.
 - (2) The care, custody or control by a veterinarian for treatment of such animals.
 - (3) Agricultural fairs, shows or projects of 4-H Clubs, not including the raising of Farm Animals; or display for judging purposes.
 - (4) Itinerant or transient carnivals, circus’s or other like shows; or dog or cats shows or trials.
 - (5) Public or private educational institutions.

History: Sec. 7-1-14 repealed and recreated, Ordinance No. 6, Series of 2009.

SEC. 7-1-15 SALE OF ARTIFICIALLY COLORED ANIMALS.

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.

State Law Reference: Section 948.11, Wis. Stats.

SEC. 7-1-16 ANIMAL CARE.

- (a) No person owning, harboring or having custody of any animal shall fail to provide it with good and wholesome food at least once daily and provide a constant supply of potable water to sustain the animal in good health.
- (b) No person shall fail to provide any animal that he/she owns, harbors or has custody of with shelter from inclement weather or to ensure the protection and comfort of the animal. In the case of dogs and cats, which are kept outdoors or in an unheated enclosure, shelter and bedding shall be provided as set forth in this section as a minimum.
 - 1. Outdoor Standards. When sunlight is likely to cause overheating or stress to any animal, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. Dogs and cats kept outdoors shall be provided with moisture-proof and wind-proof shelter of a size which allows the dog or cat to turn around freely and to easily sit, stand, and lie in a normal position and to keep the dog or cat clean, dry, and comfortable. Whenever the outdoor temperature falls below 40 degrees Fahrenheit, clean bedding material shall be provided in such shelters for insulation and to retain the body heat of the dog or cat. Feces shall be removed as specified in Sec. 7-1-11.
 - 2. Indoor Standards. All animals confined to a cage, kennel run, or secure enclosure of any kind, shall be provided with quarters in a clean condition and in good state of repair. Each animal shall have sufficient space to turn around freely and to easily sit, stand, and lie in a normal position. The temperature and ventilation of the quarter shall be compatible with the health of the animal. There shall be sufficient clean, dry bedding to meet the needs of each individual animal and feces shall be removed as specified in Sec. 7-1-11.
- (c) Chains, ropes, or leashes shall be so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length to allow the animal proper exercise and convenient access to food, water, and shelter. Such chains, ropes or leashes shall be located so not to allow such animal to trespass on public or private property belonging to others or in such a manner as to cause harm or danger to persons or other animals.
- (d) No person shall fail to provide any animals that he/she owns, harbors, or has custody of with veterinary care when needed to prevent suffering.
- (e) No person shall beat, cruelly ill-treat, torment, or otherwise abuse an animal.
- (f) No person shall abandon any animal he/she owns, harbors, or has custody of.
- (g) No person shall transport any animal in his/her possession in a manner, which could cause injury, pain, undue stress or death to the animal.
- (h) Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall attempt to report such injury or death to the animal's owner or the Sauk Prairie Police Department.
- (i) No person shall expose any poisonous substances, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property poisons designed for the purpose of rodent or pest extermination. This provision shall not prohibit a health officer or licensed pest-control operators from providing rodent or pest control services.

SEC. 7-1-17 NEGLECTED OR ABANDONED ANIMALS.

- (a) No person may abandon any animal.
- (b) 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.

- (c) 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.
- (d) 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 the shall prove that such killing was unwarranted.
- (e) Section 948.16, Investigation of Cruelty Complaints, and Section 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made part of this Chapter.

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

SEC. 7-1-18 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

No person except a police officer or health or humane 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.

SEC. 7-1-19 KEEPING OF DOGS AND CATS IN RESIDENTIAL AREAS.

- (a) **PURPOSE.** The keeping of a large number of dogs and cats in a residential district for a considerable period of time detracts from and, in many instances, is detrimental to healthful and comfortable life for which such areas were created. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.
- (b) **DEFINITIONS.**
 - (1) Dog. A dog means any canine, regardless of age or sex.
 - (2) Cat. A cat means any feline, regardless of age or sex.
 - (3) Residential Lot. A residential lot means a parcel of land zoned or used for residential purposes, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **NUMBER OF DOGS AND CATS LIMITED.**
 - (1) Dogs. No family shall own, harbor or keep in its possession more than three (3) dogs on any residentially zoned lot without the prior approval of the Village Board except that a litter of pups or a portion of a litter may be kept for not more than eight (8) weeks from birth. If more than one family resides on a residential lot, then only two (2) dogs shall be allowed on the residential lot unless the prior approval is obtained from the Village Board. For the purposes of this Section, the term "family" shall be defined as one or more persons.
 - (2) Cats. No family shall own, harbor or keep in its possession more than three (3) cats on any residentially zoned lot without the prior approval of the Village Board except that a litter of kittens or a portion of a litter may be kept for not more than eight (8) weeks from birth. If more than one family resides on a residential lot, then only two (2) cats shall be allowed on the residential lot unless the prior approval is obtained from the Village Board. For the purposes of this Section, the term "family" shall be defined as one or more persons.
 - (3) The above requirements shall be waived with the approval of the Village Board or when a kennel license has been issued by the Village. Such application for waiver

shall first be made to the Village Administrator who shall forward the request with his approval or objection to the Village Board which shall consider recommendations from the Health Officer, Police Department and citizens on such application before rendering a decision. The total number of dogs and/or cats kept by an Owner in a household shall not exceed three (3) unless prior approval is obtained from the Village Board or a Pet Foster Permit is obtained per 7-1-4(b).

History: Code of Ordinances, 1986 Sec.7-1-19 repealed and recreated. Ordinance No. 4, Series of 2005.

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 land within the Village of Prairie du Sac 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) This Section shall not apply to trapping within the confines of buildings or homes.
- (e) Nothing in this Section shall prohibit or hinder the Village of Prairie du Sac or its employees or agents from performing their official duties.

SEC. 7-1-21 PENALTIES.

- (a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, or 7-1-20 shall be subject to a forfeiture of not less than Fifty (\$50.00) Dollars and not more than Two Hundred (\$200.00) Dollars. 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 ordinance.
- (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 (\$25.00) Dollars and not more than Two Hundred (\$200.00) Dollars for the first offense and not less than One Hundred (\$100.00) Dollars and not more than Four Hundred (\$400.00) Dollars for any subsequent offenses.
 - (2) Refusal to comply with order or quarantine. 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 (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars or imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Sections 7-1-6 through 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five (\$25.00) Dollars and not more than One Hundred (\$100.00) Dollars for the first violation and not less than Fifty (\$50.00) Dollars and not more than Two Hundred (\$200.00) Dollars for subsequent violations.

History: Code of Ordinances, 1986. Chapter 1 of Title 7 repealed and recreated. Ordinance No. 3, Series of 1996.