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CHAPTER 4 ANIMALS

ARTICLE I. - IN GENERAL

Sec. 4-1. Definitions.

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

Animal means mammals, reptiles and birds.

At large means to be off the premises of the owner and not under the control of some person by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be declared to be upon the owner's premises.

Cat means any feline, regardless of age or sex.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

Dog means any canine, regardless of age or sex.

Farm animal means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

Law enforcement officer has the meaning provided in Wis. Stats. § 967.02(5) and includes a humane officer under Wis. Stats. § 173.07 but does not include a conservation warden appointed under Wis. Stats. § 23.10.

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

Neutered means a dog or cat having nonfunctional reproductive organs.

Owner means any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days. An occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the dog or cat.

Pet means an animal kept and treated as a pet.

(Prior Code, § 15.17(1)(b))

Sec. 4-2. Certain animal nuisances prohibited.

- (a) It is unlawful and a public nuisance for any person within the village to own, harbor or keep an animal that:
- (1) Habitually pursues any vehicle upon any public street 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 or emits other noise to the annoyance of any person.
 - (5) Kills, wounds or torments 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 an unlicensed dog.

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- (b) It is unlawful for any person knowingly to keep or harbor any dog or animal 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, animals and cats are hereby declared to be a public nuisance. A dog, animal or cat is considered to be in violation of this subsection when written complaints from two or more adults are filed with the village police department within a four-week period. No prosecution shall be commenced except upon the request of the police department, following written petition signed by two or more adult persons.

(Prior Code, §§ 15.17(5)(a), 15.17(8))

Sec. 4-3. Vicious animals.

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.

(Prior Code, § 15.17(5)(b))

Sec. 4-4. Injury to property by animals.

It is 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 or urinate thereon. Penalties for such damage are as provided in Wis. Stats. § 174.02.

(Prior Code, § 15.17(7))

State Law reference— Owner's liability for damage caused by dog and penalties therefor, Wis. Stats. § 174.02.

Sec. 4-5. Proper shelter required.

- (a) *Generally.* No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) *Indoor standards.* Minimum indoor standards of shelter shall include:
- (1) *Ambient temperatures.* The ambient temperature shall be compatible with the health of the animal.
 - (2) *Ventilation.* Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) *Outdoor standards.* Minimum outdoor standards of shelter shall include:
- (1) *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this section, "caged" does not include farm fencing used to confine farm animals.

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- (2) *Shelter from inclement weather.* Natural or artificial shelter appropriate to the local climate conditions for the species concerned shall be provided as necessary for the health of the animal. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) *Minimum space standards.* For both indoor and outdoor housing facilities, the facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
- (e) *Construction and maintenance standards.* 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.

(Prior Code, § 15.17(9))

Sec. 4-6. Cruelty to domestic animals.

- (a) It is unlawful for any person to abandon any animal. Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary.
- (b) 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. If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five days after notice, redeem the animal by paying the expenses incurred, the animal may be treated as a stray and dealt with as such.
- (c) If in the opinion of such officer an animal is hopelessly injured or diseased as to be beyond the probability of recovery, the officer may kill the animal, and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
- (d) Wis. Stats. §§ 173.10 and 173.24 are adopted by reference and made a part of this section.

(Prior Code, § 15.17(10)(a))

State Law reference— Crimes against animals, Wis. Stats. § 951.01 et seq.

Sec. 4-7. Disturbing or harming birds.

No person except a village police officer, county sheriff's deputy (or person designated by them), 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 bird or disturb any bird's nest or bird's eggs.

(Prior Code, § 15.17(11)(a))

Sec. 4-8. Leading animal from motor vehicle.

No person shall lead any animal upon a village street from a motor vehicle or from a trailer or semi-trailer drawn by any motor vehicle.

(Prior Code, § 15.17(11)(b))

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Sec. 4-9. Injured animals.

No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the village or any animal control agency with whom the village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

(Prior Code, § 15.17(10)(b))

Secs. 4-10—4-36. Reserved.

ARTICLE II. DOGS

DIVISION 1. GENERALLY

Sec. 4-37. State law and county ordinances adopted.

The village adopts as though set forth in full in this section the provisions of Wis. Stats. §§ 174.01 through 174.046 and article II of chapter 4 of Racine County Code of Ordinances, as such sections and articles as they may be amended or renumbered, with regard to restraining actions against dogs, including the imposition of forfeitures for violations of such regulations and other regulations of dogs imposed under this Code, and the impoundment and subsequent delivery, treatment and disposition of dogs; provided, however, that this section shall not be construed to restrict or limit any authority now or hereafter granted by the village board or state law to the village police department with respect to the regulation of dogs and shall not operate to reduce any forfeitures or other penalties which might otherwise be imposed under this Code.

(Prior Code, § 15.17(1)(b))

Sec. 4-38. Dogs running at large.

- (a) It is unlawful for the owner or keeper of any dog to permit or suffer such dog to be at large, which means that it is off the premises of its owner or keeper and upon any public street, any school ground, any public park or upon any other public or private property without the permission of the owner of the property.
- (b) A dog shall not be deemed to be at large if it is attached to a leash not more than ten feet in length which is of sufficient strength to restrain it, and the leash is held by a person of at least ten years of age competent to govern it and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where dogs are forbidden; or it is properly restrained within a motor vehicle.
- (c) Any stray dog running at large within the corporate limit of the village may be impounded by the village police or their designated agent, or delivered to the local humane society or animal shelter.

(Prior Code, § 15.17(5)(c))

Sec. 4-39. Vicious dogs.

- (a) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. No owner of a vicious dog shall allow it to be off the premises of its owner.

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- (b) Any vicious dog which is found off the premises of its owner other than as provided in this section 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 the dog, by testimony under oath reduced to writing, be killed by the police authorities.
- (c) A dog shall be deemed to be of a vicious disposition if it bites or inflicts serious injury to a person in unprovoked circumstances off the owner's premises or when a propensity to attack or bite humans shall exist.

(Prior Code, § 15.17(5)(b))

Sec. 4-40. Owner's liability for damage caused by dogs.

The provisions of Wis. Stats. § 174.02 relating to the owner's liability for damage caused by dogs, together with the penalties therein set forth, are hereby adopted and incorporated in this section by reference.

(Prior Code, § 15.17(5)(d))

Sec. 4-41. Dog feces.

- (a) It is unlawful for any person in immediate control of any dog to permit fecal matter which is deposited by such dog while off of its own premises to remain on any street, lawn, field or any public property. It is solely the responsibility of the person in control of the dog to immediately, after deposit, remove all fecal matter and dispose of the same.
- (b) Any person owning or having control of a dog on any property, public or private, which is not owned or occupied by such person shall promptly remove excrement left by such dog and place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person.
- (c) Any person causing or permitting a dog to be on any property, public or private, not owned or occupied by such person shall have in his immediate possession a device or object suitable for removal of excrement and a depository for the transmission of excrement to the property owned or occupied by such person.
- (d) This section shall not apply to a person who is visually or physically handicapped.
- (e) Any adult person alone or together with other adults may report dog fecal matter violations under this section by a complaint to the village police department.

(Prior Code, § 15.17(6))

Secs. 4-42—4-70. Reserved.

DIVISION 2. LICENSES*

Sec. 4-71. Required.

It is unlawful for any person in the village to own, harbor or keep any dog more than five months of age after July 1 of the license year without complying with the provisions of this division relating to the listing, licensing and tagging of the same.

(Prior Code, § 15.17(1)(a))

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Sec. 4-72. State law applicable.

It is unlawful for any person in the village to own, harbor or keep any dog more than five months of age or within 30 days of acquiring ownership of a licensable dog without complying with the provisions of Wis. Stats. §§ 174.05 through 174.10 relating to the listing, licensing and tagging.

(Prior Code, § 15.17(3)(a))

Sec. 4-73. License and metal tag to be obtaining from clerk; clerk to maintain register of licenses.

Owners must obtain dog license in person or by mail from village treasurer by April 1 of each calendar year. The clerk will maintain a register of all dog licenses issued and issue a numbered county dog license metal tag. The dog owner must attach the metal identification tag to the collar of dog when issued.

(Prior Code, § 15.17(3)(b))

Sec. 4-74. Fees.

The village clerk shall assess and collect regular dog license fee provided in the village fee schedule. The clerk shall assess and collect a late fee in the amount provided in the village fee schedule from every owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each calendar year, or within 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. The late fee shall be charged in addition to the required license fee.

(Prior Code, § 15.17(4))

Secs. 4-75—4-91. Reserved.

FOOTNOTE(S):

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State Law reference— Dog license tax, Wis. Stats. § 174.05; dog licenses and collar tags, Wis. Stats. § 164.06; publication of license and vaccination requirement, Wis. Stats. § 174.052. ([Back](#))

DIVISION 3. RABIES VACCINATION*

Sec. 4-92. Required.

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and re-vaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the village after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is brought into the village, unless the dog has been vaccinated as evidenced by a current certified date of rabies vaccination. The owner of a dog shall have the dog re-vaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two years

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after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).

(Prior Code, § 15.17(2)(a))

State Law reference— Rabies control program, Wis. Stats. § 95.21.

Sec. 4-93. Issuance of certificate of rabies vaccination.

A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or un-neutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the federal Center for Disease Control and the village.

(Prior Code, § 15.17(2)(b))

Sec. 4-94. 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 is re-vaccinated, whichever occurs first.

(Prior Code, § 15.17(2)(c))

Sec. 4-95. 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.

(Prior Code, § 15.17(2)(d))

Sec. 4-96. Tag to be attached to dog's collar.

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 at all times, but this requirement does not apply to a dog during competition or to a dog securely confined indoors. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this section do not apply to a dog which is not required to be vaccinated under this division.

(Prior Code, § 15.17(2)(e))

Sec. 4-97. Duplicate tags.

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.

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(Prior Code, § 15.17(2)(f))

Sec. 4-98. Cost of vaccination.

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.

(Prior Code, § 15.17(2)(g))

FOOTNOTE(S):

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State Law reference— Dog license tax, Wis. Stats. § 174.05; dog licenses and collar tags, Wis. Stats. § 164.06; publication of license and vaccination requirement, Wis. Stats. § 174.052. [\(Back\)](#)