

Chapter 190

ANIMALS

[HISTORY: Adopted by the Village Board of the Village of Plover as indicated in article histories. Amendments where noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 388.

Parks and recreation — See Ch. 401.

Peace and good order — See Ch. 406.

ARTICLE I

General Regulations

[Adopted 6-4-1985 as §§ 9.09, 9.10 and 9.20 of the 1985 Code]

§ 190-1. Animals and fowl not to run at large.

No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the Village. "At large" means an animal is off the premises of its owner and upon any public street or alley, school grounds, public park or other public grounds or upon any private property without the permission of the owner of the property, provided that an animal shall not be deemed to be at large if the following provisions apply:

- A. It is attached to a leash not more than 10 feet in length which is of sufficient strength to restrain the animal and the leash is held by a person competent to govern the animal and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.
- B. It is properly restrained within a motor vehicle.
- C. It is engaged in the act of training for show, field trial or obedience trial purposes, in control of its owner or his agent competent to govern such animal at such distance, and not annoying or worrying pedestrians or trespassing on private property or trespassing on public property where such animals are forbidden.

§ 190-2. Keeping of livestock and poultry.

- A. Regulated. No person shall keep or maintain any poultry or fowl or any livestock, such as horses, cattle, sheep, goats or swine, in any zoning district except agricultural districts. [Amended by Ord. No. 24-92]
- B. Exception. Any person keeping or maintaining such poultry, fowl or livestock contrary to Subsection A above on the effective date of this section may continue to keep or maintain such poultry, fowl or livestock as a nonconforming use as long as a public nuisance is not created in violation of the provisions of Chapter 388, Nuisances, of this Code.

§ 190-3. Exotic pets or wild animals. [Added by Ord. No. 24-92; Amended by Ord. No. 1-10]

A. Prohibition. It shall be unlawful for any person to keep, maintain, have in his possession or under his control, sell or convey within the Village any exotic pet, wild animal, dangerous or carnivorous animal, reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities. It shall be specifically unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following:

- (1) All poisonous animals, including rear-fang snakes.
- (2) All nonhuman primates, including but not limited to apes, chimpanzees, gibbons, gorillas, orangutans and siamangs.
- (3) Baboons.
- (4) Bears.
- (5) Bison.
- (6) Cheetahs.
- (7) Constrictor snakes.
- (8) Coyotes.
- (9) Crocodilians.
- (10) Deer.
- (11) Elephants.
- (12) Game cocks and other fighting birds.
- (13) Hippopotami.
- (14) Hyenas.
- (15) Jaguars.
- (16) Leopards.
- (17) Lions.
- (18) Lynxes.
- (19) Monkeys, either old world or new world.
- (20) Ostriches.
- (21) Pumas.
- (22) Rhinoceroses.
- (23) Sharks.
- (24) Snakes not naturally indigenous to Portage County.
- (25) Snow leopards.

- (26) Swine.
 - (27) Tigers.
 - (28) Wolves and wolf hybrids.
- B. Exceptions. The Provisions of Subsection A above shall not apply to circuses, menageries and other temporary licensed exhibitions if:
- (1) Their location conforms to the provisions of Chapter 550, Zoning, of this Code.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) All animals that are confined are in quarters so constructed as to prevent their escape.
 - (4) No person lives or resides within 100 feet of the quarters in which the animals are kept. This provision may not apply to the keeping of small caged birds, small caged animals or reptiles or aquatic and amphibian animals solely as pets.
- C. Live animals not to be given away. No person shall give away any live animal, fish, reptile or bird as a prize for or an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement, or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- D. Sale of baby rabbits, chicks and other fowl. No person may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two months of age in any quantity fewer than six unless in the business of selling the animals for agricultural, wildlife or scientific purposes.
- E. Artificially colored animals; sale. No person shall 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.
- F. Animal control agency.
- (1) The Village 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 an 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 Village may, if it deems advisable, further authorize the animal control agency to assist in enforcing the provisions of this section.
- G. Penalty. Any person who violates any portion of this section shall be subject to a forfeiture of not less than \$5 nor more than \$500 for each offense, and a separate offense shall be deemed committed on each day following or on which a violation occurs or continues.

§ 190-4. Cleaning up after pets. [Added by Ord. No. 16-92]

Any person owning, keeping, possessing or harboring any dog or cat shall promptly remove and dispose of feces left by the dog or cat on any public property and on any private property not

owned by such person or lawfully occupied by such person.

§ 190-5. Feeding of deer. [Added by Ord. No. 24-00]

- A. Prohibition. It shall be unlawful for anyone to place in any type of feeder or on the ground any feed such as salt, minerals, apples, corn, sunflower seeds, deer suckers, or any other type of feed for the purpose of enticing deer into any specific area of anyone's property in the Village of Plover except as provided in Subsection B herein.
- B. Exceptions. The feeding of deer may be authorized by the Village Administrator of the Village of Plover for the purpose of controlling the deer herd.

§ 190-6. Violations and penalties. ¹

Except where another penalty is provided, any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of this Code.

ARTICLE II
Dog Licensing and Control
[Adopted 6-4-1985 as § 12.10 of the 1985 Code]

§ 190-7. Definitions.

For purposes of this article, certain words and terms are defined as follows:

AT LARGE — Any dog shall be deemed to be at large when it is off the property of its owner and not under the control of a competent person.

EXPOSED TO RABIES — An animal has been exposed to rabies within the meaning of this article if it has been bitten by, or come in contact with, any animal known to have been infected with rabies.

KENNEL — Any establishment where four or more dogs are kept for breeding, sale or sporting purposes.

NEUTERED MALE DOG — Any male dog which has been operated upon to prevent conception.

OWNER — Any person owning, keeping or harboring a dog.

POUND — Any premises designated by the Village Board for the purpose of impounding and caring for all animals found running at large in violation of this article.

RESTRAINT — A dog is under restraint within the meaning of this article if it is controlled by a leash, "at heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

SPAYED FEMALE DOG — Any female dog which has been operated upon to prevent conception.

1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

§ 190-8. Enforcement.

The provisions of this article shall be enforced by the Police Chief and the Portage County Humane Society.

§ 190-9. Licensing of dogs.

- A. License required. It shall be unlawful for any person in the Village to own, harbor or keep any dog more than five months of age without complying with the provisions of §§ 174.05 through 174.09, Wis. Stats., relating to the listing, licensing and tagging of the same. There is hereby imposed a Village dog license tax, payable to the Village Clerk, which includes a dog license tax imposed under § 174.05(2) and (3), Wis. Stats., in the amount as provided in the Village Fee Schedule.² [Amended by Ord. No. 38-91; Ord. No. 25-05]
- B. Late fees. The Village Clerk shall assess and collect a late fee as provided in the Village Fee Schedule from every owner of a dog five months of age or older if the owner failed to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license before the dog reached licensable age.³
- C. Lost license tag. In the event that a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag from the Village Clerk upon the payment of a fee as provided in the Village Fee Schedule.
- D. Change of ownership. If there is a change in ownership of a licensed dog or kennel during the license year, the new owner may have the current license transferred to his name upon payment of a transfer fee as provided in the Village Fee Schedule.
- E. Transfer prohibited. No person shall use for any animal a license receipt or license tag issued for another animal.
- F. Kennel license option. The owners of kennels may opt to pay, in lieu of the fees provided in Subsection A above, a kennel license fee as provided in the Village Fee Schedule, and the Village Clerk shall issue tags for each dog owned by the kennel owner, as provided in 174.053, Wis. Stats. [Amended by Ord. No. 38-91; Ord. No. 28-05]

§ 190-10. Rabies vaccination required.

It shall be unlawful for any person to keep a dog in the Village which is over five months of age and has not received a rabies vaccination as required by § 95.21(2), Wis. Stats. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in § 95.21(2)(f), Wis. Stats.

§ 190-11. Dogs running at large and untagged dogs.

- A. Dogs running at large. A dog is considered to be running at large if it is off the premises of

2. Editor's Note: See Ch. A600, Fees.

3. Editor's Note: See Ch. A600, Fees.

its owner and not under the restraint, as defined in § 190-7 above, of the owner or some other person .

- B. Untagged dog. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area.
- C. Dog subject to impoundment. The Portage County Humane Officer or any police officer shall attempt to capture and restrain any dog running at large and any untagged dog.
- D. Penalties. If the owner of a dog, negligently or otherwise, permits the dog to run at large or be untagged, the owner shall forfeit \$10 plus costs for the first offense and \$30 plus costs for the second offense and each subsequent offense. If the dog is unlicensed, the above penalties shall be doubled.⁴

§ 190-12. Duty to report dog bite.

Every person, including the owner or person harboring or keeping a dog, who knows that a dog has bitten any person shall immediately report such fact to the Police Chief.

§ 190-13. Impounding and disposition of dogs.

- A. Impounding of dogs. A police officer or other person restraining a dog running at large shall take such dog to the Portage County Humane Society Pound. The Humane Officer shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.
- B. Release of dog to owner or representative. The Humane Officer may release the dog to the owner or his representative if the owner or representative:
 - (1) Gives his name and address.
 - (2) Presents evidence that the dog is licensed and vaccinated against rabies.
 - (3) Pays the dog's boarding fee.
- C. Release of dog to person other than owner. If the owner of the dog is unknown or does not reclaim the dog within seven days, the Humane Officer may release the dog to a person other than the owner if such person:
 - (1) Gives his name and address.
 - (2) Signs a statement agreeing to license the dog and have the animal vaccinated against rabies.
- D. Disposition of dog or use for humane purposes. If the dog is not released to the owner or other person in seven days, the Humane Officer may dispose of the dog as provided in § 174.13, Wis. Stats., or dispose of the dog in a proper and humane manner.

⁴. Editor's Note: Original § 12.10(6), Vicious dogs prohibited, which immediately followed this section, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See now Art. IV, Vicious Dogs, of this chapter.

§ 190-14. Investigation. [Amended by Ord. No. 1-10]

Police officers and/or humane officers will follow all applicable Federal and State laws, while investigating violations of this ordinance chapter to include: Chapters 173, Animals; Humane Officers; 174, Dogs; and 951, Crimes Against Animals of the Wisconsin State Statutes.

§ 190-15. Howling dogs. [Amended by Ord. No. 1-10]

No person shall own, keep, harbor or have in his possession any dog within the Village which, by frequent or habitual howling, yelping, barking or other disturbing noise, individually or together, offends the peace and quiet of persons of ordinary sensibilities, thereby causing a serious disturbance to persons or to the neighborhood. 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 village for impounding animals. Each day that such disturbance continues or occurs shall be a separate offense.

§ 190-16. Violations and penalties.

In addition to other penalties provided in this article, the following penalties are imposed:

- A. Failure to obtain rabies vaccination. A dog owner who fails to have a dog vaccinated against rabies, as provided in this article, shall, upon conviction, forfeit not less than \$50 nor more than \$100.
- B. Refusal to comply with quarantine order. An owner of a dog or cat who refuses to comply with an order issued under this article to deliver the animal to a police officer, the Portage County Humane Society or a veterinarian, or who does not comply with the conditions of an order that the animal be quarantined, shall, upon conviction, forfeit not less than \$100 nor more than \$500.
- C. Other penalties. Any person violating any other provision of this article shall be subject to a penalty as provided in § 1-4 of this Code.

ARTICLE III

Commercial Animal Establishments

[Adopted 6-4-1985 as §§ 12.11 and 12.25 of the 1985 Code]

§ 190-17. Definitions.

For the purpose of this article, the terms used shall be defined as follows:

CATTERY — An establishment where cats are kept for the purpose of breeding, selling, buying or boarding.

COMMERCIAL ANIMAL ESTABLISHMENT — Any pet shop, grooming shop, kennel or cattery, and shall exclude any Village pound, Humane Society animal shelter or veterinarian facility. Notwithstanding the foregoing, the provisions of this article shall be applicable to a veterinary facility if the same is engaged in the boarding of animals for commercial purposes.

GROOMING SHOP — A commercial establishment where animals are bathed, clipped or otherwise groomed.

KENNEL — Any establishment wherein or whereon four or more dogs are kept for the purpose of breeding, sale, sporting purposes or boarding.

PET SHOP — Any establishment where any dog, cat, rabbit, rodent, nonhuman primate, bird or vertebrate animal is bought, sold, exchanged or offered for sale to the general public.

§ 190-18. License required.

No person shall operate a commercial animal establishment within the Village until a license is obtained from the Village Clerk.

§ 190-19. Application for license.

Application for such license shall be made to the Village Clerk on a form provided by the Clerk.

§ 190-20. Inspection of premises.

No license shall be granted until the premises is inspected by the Portage County Humane Officer and is determined to be adequate to meet the standards imposed by this article.

§ 190-21. License fee. [Amended by Ord. 28-05]

The license fee shall be as provided in the Village Fee Schedule.⁵

§ 190-22. Health requirements.

No licensee shall hold out for sale any animal that is diseased or has nutritional deficiencies, parasites, fractures or congenital abnormalities which affect the general health of the animal.

§ 190-23. Care of animals.

All animals shall be adequately fed and watered, and cages shall be kept properly bedded and cleaned daily so as to prevent any odor nuisance.

§ 190-24. Revocation of license.

The Village Board may, after notice and hearing required by law, revoke any license issued under this article if the licensee fails to comply with §§ 190-22 and 190-23 above.

§ 190-25. Violations and penalties. ⁶

Any person who shall violate any provision of this article shall be subject to a penalty as provided in § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation of this article occurs or continues.

5. Editor's Note: See Ch. A600, Fees.

6. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ARTICLE IV
Vicious Dogs
[Adopted by Ord. No. 12-88 (§ 12.101 of the 1985 Code)]

§ 190-26. Definitions. [Amended by Ord. No. 1-10]

The terms used in this article are defined as follows:

VICIOUS DOG

- A. Any dog with a propensity, tendency or disposition to attack, cause injury or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking and/or snarling in a threatening manner.
- B. Any dog which has attacked a human being or another domestic animal without provocation.
- C. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

§ 190-27. Requirements and prohibitions.

- A. Leash and muzzle. No person owning, harboring or having the care of a vicious dog may suffer or permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than four feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior approval of the Police Chief or his designee.
- B. Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in Subsection A above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the Village. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.
- C. Confinement indoors. No vicious dog may be kept on a porch or patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.
- D. Prohibited in multiple dwellings. No vicious dog may be kept within any portion of any multiple dwelling.

- E. Signs. All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this article, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." A similar sign is required to be posted on the kennel or pen of the dog.
- F. Insurance. All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this article, provide proof to the Police Chief or his designee of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a ten-day written notice is first given to the Police Chief or his designee. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This subsection does not apply to dogs kept by law enforcement agencies.

§ 190-28. Determination of vicious disposition.

The Police Chief or his designee shall investigate every dog complaint and make a determination as to whether or not such dog is vicious, as defined in § 190-26 above. In the event that the Police Chief or his designee makes a determination that a dog is vicious, he shall so inform the owner, keeper or harborer of such dog and provide such person with a copy of this article.

§ 190-29. Appeal of determination.

Any person aggrieved by the determination of the Police Chief or his designee, as provided in § 190-28 above, may appeal such determination as provided in Chapter 6, Administrative Review, of this Code.

§ 190-30. Compliance required.

Within 10 days of the determination that a dog is vicious, as provided in § 190-28 above, or 10 days after an unsuccessful appeal under § 190-29 above, the owner of a vicious dog shall either comply with all provisions of this article or dispose of such dog.

§ 190-31. Disposition of vicious dogs.

Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a police officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals.

§ 190-32. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction, be subject to the payment of a forfeiture as provided in § 1-4 of this Code. A separate offense shall be deemed committed on each day on which a violation of this article occurs or continues.