

Title V - Chapter 6

Public Health

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Amended by Ord. No. 16-531 on 4/11/2016

6.01 **Prohibited Discharges.**

- (1) **Prohibited Discharges.** No person, firm or corporation shall discharge or cause to be discharged, leaked, leached or spilled upon any public or private street, alley, public or private property, or unto the ground, surface waters, subsurface waters, or aquifers, or within the Village, except those areas specifically licensed for waste disposal or landfill activities and to receive such materials, any explosive, flammable or combustible solid, liquid or gas, any radioactive material at or above Nuclear Regulatory Restriction levels, etiologic agents, or any solid, liquid or gas creating a hazard, potential hazard, or public nuisance, or any solid, liquid or gas having a deleterious effect on the environment.
- (2) **Containment, Cleanup and Restoration.** Any person, firm or corporation in violation of the above section shall, upon direction of any Emergency Government officer, begin immediate actions to contain cleanup and remove to an approved repository the offending materials(s) and restore the site to its original condition, with the offending person, firm or corporation being responsible for all expenses incurred. Should any person, firm or corporation fail to engage the necessary men and equipment to comply or to complete the requirements of this section, the Office of Emergency Government may order the required actions to be taken by public or private resources and allow the recovery of any and all costs incurred by the Village of Poynette as action imposed by (3).
- (3) **Emergency Services Response.** Includes, but is not limited to: Fire Service, Emergency Medical Service, Law Enforcement. A person, firm or corporation who possesses or controls a hazardous substance which is discharged, or who causes the discharge of a hazardous substance, shall be responsible for reimbursement to the responding agencies for actual and necessary expenses incurred in carrying out their duties under this Ordinance. Actual and necessary expenses may include, but not be limited to: replacement of equipment damaged by the hazardous material, cleaning, decontamination and maintenance of the equipment specific to the incident, costs incurred in the procurement and use of specialized equipment specific to the incident, specific laboratory expenses incurred in the recognition and identification of hazardous substances in the evaluation of response, decontamination, cleanup and medical surveillance, and incurred costs in future medical surveillance of response personnel as required by the responding agencies medical advisor.

- (4) Site Access. Access to any site, public or private, where a prohibited discharge is indicated or suspected will be provided to Emergency Government officers and staff and to police and fire department personnel for the purpose of evaluating the threat to the public and monitoring containment, cleanup and restoration activities.
- (5) Public Protection. Should any prohibited discharge occur that threatens the life, safety or health of the public at, near, or around the site of a prohibited discharge, and that situation is so critical that immediate steps must be taken to protect life and limb, the Coordinator of Emergency Government, his assistant, or the senior police or fire official on the scene of the emergency may order an evacuation of the area or take other appropriate steps for a period of time until the Village Board can take appropriate action.
- (6) Enforcement. The Coordinator of Emergency Government and his deputies, as well as any officer of the Poynette Police Department shall have authority to issue citations or complaints under this Section.
- (7) Civil Liability. Any person, firm or corporation in violation of this section shall be liable to the Village of Poynette for any expenses incurred by the Village or loss or damage sustained by the Village by reason of such violations.
- (8) Penalty. The penalty for violating any provision of this section shall be a forfeiture of not less than \$250.00 nor more than \$1,500.00, together with the costs of prosecution. Each day of violation shall constitute a separate offense.

6.02 **Disposal of Garbage and Rubbish.**

- (1) Definitions:
 - (a) The word "garbage" as used in this section shall mean and include all organic kitchen waste that attends the storage, preparation, use, cooking or serving of food.
 - (b) The word "rubbish" as used in this section shall mean and include all other useless waste excluding ashes from any source, earth and stone. Construction waste or materials shall be classified as rubbish provided said waste or materials does not exceed in quantity two containers per collection.
 - (c) "Recyclable material" as used in this section shall mean and include newspapers, magazines, corrugated cardboard, beer, soda and other beverage cartons, brown papers sacks, scrap paper and box board (uncoated), telephone books and catalogs, glass bottles and jars, aluminum cans and foil, tin cans, aerosol cans, pots, pans and silverware, and all No. 1 through 7 plastic. "Recyclable material" does not include coated paper, paper plates, towels or napkins, window glass, Pyrex, glassware, ceramics, light bulbs, plastic toys and hangers, or plastic pails with metal hangers.

- (d) "Yard Waste" as used in this section shall mean and include all leaves, tree limbs, brush, bagged grass and bagged garden waste originating on the resident's property.
- (e) The word "collector" as used in this section means the person or persons specifically authorized by the Village Board to collect garbage and rubbish and to dispose of same.
- (f) In the event the garbage crew refuses to pick up garbage because it does not meet the Village's recycling standard, the tenant or property owner will have 48 hours to remove such uncollected garbage rubbish or recyclables from the normal pick up area to be re separated for the next week collection. In the event the tenant or property owner fail to remove such garbage, the Village Administrator or his/her designee shall call for a "special pick up" of the garbage, rubbish etc. from the recycle company the Village has contracted with to correct the violation.

The cost to correct the violation will be billed to the tenant or owner of the property. If the property is rental property, the owner of record will be notified of the violation and of the possibility of an added charge on the tax roll if the tenant does not pay the fee.

(2) Collection of Garbage, Rubbish and Recyclable Materials by Village.

- (a) All garbage, rubbish, and recyclable materials shall be collected, removed and disposed of at the expense of the benefiting parties through a special charge process pursuant to Wisconsin Statutes §66.0627.
 - a. Collection by the Village for such charge shall be included in quarterly utility bill to benefiting parties.
 - b. Rate charged shall be the rate charged per residential unit by Columbia County Recycling or other agency or firm contracting for disposal of Village solid waste and recycling for the period.
 - c. Default in payment by renters shall become the property owner's responsibility.
 - d. Delinquent payments shall be added to tax rolls pursuant to Wisconsin Statutes §66.0627(4)
- (b) The Village Board shall establish the time of collection and the Village Administrator shall publish the collection schedule any time the collection schedule is changed. All persons having garbage, rubbish, or recyclable material are required to have the same available for collection at the time set forth in said published schedule.

- (c) Prior to the time of collection, the garbage, rubbish and recyclable material containers from all residential premises shall be placed at the curb line adjacent to the street designated in the published collection schedule. Containers of garbage, rubbish and recyclable material from all commercial, industrial, school and church premises shall be placed to the rear of the premises adjacent to the public alley or, if there is no public alley, the same shall be placed at the curb line adjacent to the street over which the residential collection is made.
 - (d) The Village Board may direct the placing of garbage, rubbish, and recyclable material containers in a manner different than provided herein in order to facilitate a more reasonable mode of collection from a particular premise due to its location, use or other factor peculiar to it.
 - (e) No person shall place any recyclable material in any container of garbage or rubbish which is placed for collection. The collector may refuse to collect any container of garbage or refuse in which recyclable material has been placed.
- (3) Preparation of Garbage and Rubbish for Collection.
- (a) All garbage and rubbish placed for collection from commercial, industrial and school premises shall be deposited in a dumpster owned or leased by the owner or operator of said premises.
 - (b) All garbage placed for collection shall be well drained and wrapped. Except as provided in subsection (a), all garbage shall be placed in a watertight container or watertight bag which shall not exceed or 50 pounds in weight.
 - (c) Except as provided in subsection (a), all rubbish placed for collection shall be placed in suitable containers of not more than 50 pounds in weight.
 - (d) Any garbage or rubbish not placed for collection in accordance with the provisions of this section may be refused by the collector.
 - (e) The Village Board may exempt an owner or operator of a commercial premises from the requirements of subsection (a) upon being furnished satisfactory evidence that the business produces a quantity of garbage or rubbish which can be reasonably placed for collection in accordance with subsections (b) and (c).
- (4) Preparation of Recyclable Material for Collection. Recyclable materials are to be prepared in accordance with the terms of the Village Solid Waste and Recycling Contract in force at the time materials are prepared.
- (5) Preparation of Yard Waste for Collection.

- (a) The preparation of yard waste for collection shall be in accordance with the Village of Poynette Yard Waste Program – Brush and Bag Collection Policy, as may be amended from time to time by Resolution of the Village Board.
- (b) Property owners should contact Poynette Public Works regarding volumes of yard waste, which exceed the requirements of the Brush and Bag Collection Policy. Yard waste collection is intended for normal yard cleanup. Persons placing unusual quantities of yard waste, not in accordance with the Brush and Bag Collection Policy may be subject to fees for labor and equipment usage.

Amended by Ord. No. 16-530 on 2/8/2016

(6) Garbage Rubbish or Yard Waste Not To Be Deposited In Any Other Place or Manner Than Herein Provided. (AM 07/25/05 ORD 05-360)

- (a) No person shall place any garbage on any street, alley, sidewalk or other public or private property unless the same shall be placed in containers or bags as herein provided.
- (b) No person shall burn any garbage in the Village. Details of open burning regulations are addressed in Section 6.03.
- (c) No person shall place for collection any garbage or rubbish at the curb line or alley adjacent to any premises not owned or occupied by him.
- (d) No person shall deposit any garbage, rubbish or recyclable material in any dumpster without authorization from the owner or lessee thereof.
- (e) No person shall deposit junk, rubbish, garbage or recyclables on private or public property without the express permission of the owner or occupant.
- (f) No person shall deposit junk, rubbish, garbage or recyclables on empty lots or fields. This restriction shall apply whether the express permission of the property owner is granted or not.
- (g) No person shall deposit rubbish, garbage or recyclables at curbside for pickup more than 24 hours prior to scheduled pickup.
- (h) No person shall deposit yard waste at curbside for collection more than 72 hours prior to Monday of the week in which collection is scheduled.

(7) Penalty. The penalty for violation of any provision of this section shall be as identified for this section in Title VI, Chapter 1, Section 1.01, Deposit Schedule, of Village Ordinances.

(8) Severability. Section 25.02(2) of the Municipal Code of the Village of Poynette is hereby adopted herein by reference as though fully set forth herein.

6.03 **Open Burning.** (Adopted 11/11/96 published 11/20/96)

- (1) **Open Burning Prohibited.** No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Poynette except as set forth in Subsection (2) of this Section. This prohibition on burning includes the burning of construction waste and debris at a construction site.

- (2) **Exceptions.**
 - (a) Outdoor cooking over a fire contained in a device or structure designed for such use;

 - (b) Controlled burning of grass or similar vegetation for environmental management purposes, with prior written approval of the Fire Chief or his designee.

 - (c) Ceremonial campfires or bonfires, with prior written approval of the Fire Chief or his designee.

 - (d) Controlled burning of dry leaves and other non-offensive dry yard debris, provided that such burning is:
 1. Monitored by a responsible person until the fire has extinguished itself completely;

 2. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;

 3. Located off the public street pavement or street gutter;

 4. Not used for covert incineration of offensive substances or materials;

 - (e) Other occasions of desirable outdoor burning not specified by this subsection, but not as an alternative to refuse removal or disposal of which other methods are available, may be granted single occasion approval as in subsection (b) and (c) above.

 - (f) Whenever approval and special permit are granted by the Fire Chief or his designee under (b), (c) or (e) of this Section, the permit may specify and be conditioned on observance of safety restrictions set forth therein.

 - (g) Controlled burning at State licensed waste facility by Village of Poynette public works crew.

- (3) Chief May Prohibit. The Fire Chief, or his designee, is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.
- (4) Burning On Streets. No materials may be burned upon any street, alley, curb, gutter or sidewalk.
- (5) No Burn Barrel Burning. No materials may be burned inside barrels.
- (6) Liability. Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his or her fire.
- (7) Penalties. The penalty for violation of any provision of this section shall be a forfeiture of not less than \$25 nor more than \$100, together with the costs of prosecution.

6.04 **Animals.**

- (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, fish and birds.

At large means to be off the premises of the owner and not under the control of some person either by leash or other means. 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 deemed 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.

Neutered/spayed, as used herein as describing a dog or cat, shall mean a dog or cat which is no longer capable of reproduction.

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; such person is presumed to be harboring or keeping the dog or cat within the meaning of this definition.

Pet means an animal kept and treated as a pet, except those animals listed in 6.14.

(2) Dog Licenses.

State law reference— Licenses and rabies control, Wis. Stats. §§ 95.21(2), 174.05, 174.054, 174.055, 174.07.

(a) Dog licenses.

1. The minimum dog license tax under this section shall be set forth in the official Village fee schedule on file in the Village clerk's office for spayed females or neutered males and for unspayed or unneutered dogs. The license year shall commence January 1 and end December 31.
2. The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any Village police or humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

State law reference - Rabies inoculation required, Wis. Stats. § 95.21(2).

(b) Licenses for kennels.

1. Any person who keeps or operates a kennel may, instead of the license fee for each dog required by this article, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year the license tax indicated on the official Village fee schedule on file in the Village clerk's office. Upon payment of the required kennel license tax and upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel, with the maximum number of dogs and tags being ten (10).
2. The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times but this requirement does not apply to a show dog during competition or to a dog securely confined indoors.

State law reference - Multiple dog licenses, Wis. Stats. § 174.053.

(c) Late fees.
The treasurer shall assess and collect a late fee 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 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. Said late fee shall be charged in addition to the required license fee as indicated on official Village fee schedule on file in the Village clerk's office.

(3) Rabies Control
State Law reference - Rabies control, Similar provisions, Wis. Stats. §§ 95.21(3), 95.21(4), 95.21(4)(a), 95.21(5), 95.21(6), 95.21(7), 95.21(8).

(a) 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.

(4) Penalty. The penalty for violation of section 6.04 shall be forfeiture of \$50.00 together with the costs of prosecution.

Amended by Ord No. 16-531 on 4/11/2016

6.05 Animal Care and Control

(1) Restrictions. It shall be unlawful for any person within the Village to own, harbor or keep any animal which:

- (a) Is defined as a vicious animal by this section.
- (b) Is defined as a dangerous animal by this section, if not in compliance with all applicable regulations.
- (c) Is at large within the limits of the Village.
- (d) Habitually barks or howls to the annoyance of any person or persons.
- (e) Is known by any person to be infected with rabies or to have been bitten by an animal known to have been infected by rabies.
- (f) In the case of a dog is unlicensed.

(2) Vicious and dangerous animals.

(a) 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:

Dangerous animals shall mean any animal that: (a) Habitually pursues any vehicle upon any public street, alley or highway in the Village; (b) Approaches or chases any person or domestic animal in a menacing fashion or apparent attitude of attack, without intentional provocation; (c)

Without provocation, behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals; (d) Without provocation, causes a non-severe, non-bite injury to any person or domestic animal; or (e) Without provocation, has attacked, bitten or injured any person or domestic animal.

Vicious animals shall mean any animal that: (a) Is defined as a dangerous animal and is not in compliance with the restrictions imposed by this section; (b) Has on two or more occasions bitten, injured, killed, damaged, or attacked any person or domestic animal on public or private property; (c) Has a propensity, tendency or disposition, known to the owner thereof, to attack, without provocation, in a manner which may cause death, injury, damage or which may otherwise endanger the safety of any person or domestic animal; or (d) Is owned, harbored or trained primarily or in part for the purpose of fighting.

- (b) Procedure for declaring an animal vicious or dangerous.
1. A police officer may determine any animal to be vicious or dangerous whenever, upon investigation, that officer finds that the animal meets the definition of vicious or dangerous as defined above.
 2. The police officer, upon making the determination that an animal is vicious or dangerous, shall issue a written notice of the determination. Upon receipt of the written notice of determination by certified mail, the owner shall remove the vicious animal from the Village or comply with the dangerous animal regulations within ten days of the date of the determination.
 3. If the owner objects to the officer's determination, he or she may file a written objection contesting the determination with the Village clerk within five days of receiving the written notice.
 4. Upon receipt of the owner's written objection within the prescribed five days, the matter shall be placed on the soonest Village Board agenda practicable for review.
 5. The Village Board shall act as a quasi-judicial body allowing the animal's owner an opportunity to present evidence as to why the animal should not be declared vicious or dangerous.
 6. Pending the outcome of the hearing, the animal may be confined at the Columbia County Humane Society Animal Shelter, at the owner's expense. The Village may require the appealing party to post a bond in an amount sufficient to satisfy the cost of holding the animal during the appeal period.
 7. After the Village Board has made a decision, the owner shall be notified of the decision in writing, by certified mail. If a decision is made that the officer's determination was correct, the owner shall remove a vicious animal from the Village or comply with the dangerous animal regulations within ten days.

8. Failure to comply with a valid determination may result in the seizure and destruction of the animal.
- (c) Dangerous animal regulations. No person shall own, possess, harbor, keep or maintain a dangerous animal contrary to the terms of this section.
1. Dangerous animal license.
 - a. Any person who may own, possess, harbor, keep or maintain a dangerous animal as defined by this section shall do so only after first having obtained a dangerous animal license from the Village clerk and only after complying with the terms of said license.
 - b. The term of the dangerous animal license shall be from January 1 through December 31 each year and the fee for the license shall be set forth in the Village's official fee schedule on file with the Village clerk.
 - c. A license may be granted and issued only upon proof of the following:
 - (i) A liability insurance policy written by an insurance company licensed to do business in the State of Wisconsin, covering death and personal injury, in the amount of at least \$300,000.00 and property damage in the amount of at least \$50,000.00. The policy shall provide notice to the Village clerk 30 days in advance of any material change therein or of its termination or nonrenewal.
 - (ii) Current vaccination for rabies.
 - (iii) Current license and spaying or neutering where the dangerous animal is a dog or cat.
 - d. A license granted and issued hereunder is conditioned upon the following:
 - (i) Compliance with subsection (1)c. above.
 - (ii) The posting of warning signs, visible and capable of being read from the public right-of-way or within 40 feet of its placement, whichever is less, bearing the wording "WARNING DANGEROUS ANIMAL". Such signs shall be posted at each entrance to the building in which the dangerous animal is kept and at each entrance through any fence or enclosure where the dangerous animal is kept.
 - (iii) The dangerous animal, while off the premises where kept, shall be muzzled with a no-bite type muzzle, restrained as to movement by a collar or harness appropriate to the animal's size and a leash not greater than five feet in length, and under the direct control and supervision of a mentally competent adult, who is physically able to restrain the dangerous animal.

- (iv) The dangerous animal, while on the premises where kept, shall be placed within a secured building or within a secured fence of sufficient height and construction to maintain the animal within.
 - e. Failure to comply with terms of a dangerous animal license.
 - (i) A dangerous animal that is owned, possessed, harbored, kept or maintained in violation of this section may be impounded or destroyed by the Village, or its agents, at the expense of the violator following notice.
 - (ii) The appellate procedure described in subsection (b) above, shall be available to any dangerous animal owner who timely objects to notice that his/her dangerous animal is being kept in violation of this section, but only if the Village is seeking the destruction of the dangerous animal.
 - f. No person shall sell or transfer possession of a dangerous animal to another person without first notifying the person to whom the animal is being transferred, of the animal's dangerous determination, the requirements of this section and notifying the Village clerk, in writing, at least five business days in advance of the sale or transfer of possession.
 - g. Upon the death of a dangerous animal, the owner thereof shall provide written verification of the same within ten days of the date of death of the animal.
 - h. Exemption. This section shall not apply to restrict the training and/or use of dogs for and by public law enforcement agencies.
 - i. Penalty. In addition to any penalties contained herein, all violations of this section shall be subject to the penalty provisions contained in Title V, Chapter 6
- (3) Animals running at large.
No person having in their possession or ownership shall have any animal to which runs at large within the Village. Any animal running at large unlicensed and is required by state law or Village ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.
- (4) Owner's liability for damage caused by dogs; penalties.
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 by reference. This provision shall apply to all damages caused by animals in the Village.
- (5) Impoundment of animals.
The Village currently contracts with Columbia County Humane Society or the Village may enter into an agreement with such person, persons, organization or

corporation to provide for the operation of an animal shelter, impoundment of stray animals, and confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.

- (6) **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 and shall keep such dog or cat confined for not less than ten 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 law enforcement or humane officer upon demand for examination.
- (7) **Animal feces.** It shall be unlawful for any owner, keeper or walker of any dog to permit their dog to discharge such animal's excreta upon any public or private property, other than on the owner's own private property, within the Village, if such owner, keeper or walker does not immediately thereafter remove and clean such animal's excreta from the public or private property. This section shall not apply to a person who is visually or physically handicapped.
- (8) **Barking dogs or crying cats.**
It shall be unlawful for any person to knowingly keep or harbor any dog, cat or other animal which habitually barks, howls, yelps, cries or makes any other unreasonably loud noise, and such conduct is hereby declared to be a public nuisance. Habitually does not mean barking, howling, yelping, crying or making unreasonably loud noise on infrequent occasions, but does mean barking, howling, yelping, crying or making unreasonably loud noise sufficiently often so as to be unreasonably disturbing to other persons in the neighborhood. A dog, cat or other animal is considered to be in violation of this section when two violations have been issued by a law enforcement officer.
- (9) **Prohibited and protected animals, fowl, reptiles and insects.**
 1. **Protected animals.**
 - a. **Possession and sale of protected animals.** It shall be unlawful for any person to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village of any animal protected by the federal or state government.
 - b. **Compliance with federal regulations.** It shall be unlawful for any person to buy, sell or offer for sale a native or foreign species or subspecies of any animal, which appears on the endangered species list designated by the United States Secretary of the Interior.
 - c. **Regulating the importation of certain birds.** No person shall import or cause to be imported into the Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This subsection 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.

2. Exceptions. The provisions of subsection a. of this section shall not be deemed to prevent the lawful 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 state department of natural resources, or to any person or organization licensed to present a circus.
3. Wild animals; prohibition on keeping or feeding. 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, insect or reptile, or any wild, vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. No person or persons shall engage in the artificial feeding of any wildlife, including, but not limited to, members of the deer family and wild turkeys, but excluding song birds, within the Village limits. The term "artificial feeding" is defined as the placement of shelled corn and/or other types of grain, salt or minerals on the ground or in feeders, mangers or any other type of structure or receptacle for the purpose of promoting wildlife activity. However, this prohibition against artificial feeding shall not apply to individuals conducting deer management practices approved, authorized and sponsored by the Village. 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, reptiles or insects:
 - a. All poisonous animals and reptiles including rear-fang snakes.
 - b. Apes: Chimpanzees (*Pan*); gibbons (*Hylobates*); gorillas (*Gorilla*); orangutans (*Pongo*); and siamangs (*Symphalangus*).
 - c. Baboons (*Papoi*, *Mandrillus*).
 - d. Bears (*Ursidae*).
 - e. Bison (*Bison*).
 - f. Cheetahs (*Acinonyx jubatus*).
 - g. Crocodilians (*Crocodylia*), 30 inches in length or more.
 - h. Constrictor snakes, six feet in length or more.
 - i. Coyotes (*Canis latrans*).
 - j. Deer (*Cervidae*); includes all members of the deer family.
 - k. Elephants (*Elephas* and *Loxodonta*).
 - l. Game cocks and other fighting birds.
 - m. Hippopotami (*Hippopotamidae*).
 - n. Hyenas (*Hyaenidae*).
 - o. Jaguars (*Panthera onca*).
 - p. Leopards (*Panthera pardus*).
 - q. Lions (*Panthera leo*).
 - r. Lynxes (*Lynx*).

- s. Monkeys, old world (Cercopithecidae).
 - t. Ostriches (Struthio).
 - u. Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
 - v. Rhinoceroses (Rhinocerotidae).
 - w. Sharks (class Chondrichthyes).
 - x. Snow leopards (Panthera uncia).
 - y. Tigers (Panthera tigris).
 - z. Wolves (Canis lupus).
 - aa. Poisonous insects.
 - bb. Skunks or raccoons.
 - cc. Except in properly zoned districts, farm animals or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.
4. Exceptions; pet shops. The prohibitions of subsection 3. of this section shall not apply where the creatures are in the care, custody or control of a veterinarian for treatment; an itinerant or transient carnival, circus or other show; public or private educational institutions; zoological gardens; if:
- a. Their location conforms to the provisions of the zoning code of the Village (Title III, Chapter 2).
 - b. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - c. Animals are maintained in quarters so constructed as to prevent their escape.
 - d. No person lives or resides within 100 feet of the quarters in which the animals are kept.
- (10) Sale of rabbits, chicks or artificially colored animals.
- (a) 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.
 - (b) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
 - (c) No retailer, as defined in Wis. Stats. § 100.30(2)(g), 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 less than six, unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.
- (11) Providing proper food and drink to confined animals.
- (a) 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.
 - (b) The food shall be sufficient to maintain all animals in good health.

- (c) 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.
- (12) Keeping of livestock; sanitary requirements.
All structures, pens, buildings, stables, coops or yards wherein animals are kept shall be maintained in a clean condition, free of rodents, vermin and objectionable odors, and shall only be kept in properly zoned areas.
- (13) 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 Wis. Stats. § 951.14.
- (14) Neglected or abandoned animals.
 - (a) Generally.
 - 1. Any law enforcement officer may remove, shelter, and care for an animal found to be cruelly exposed to extreme weather conditions, 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 days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
 - 3. 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 he shall prove that such killing was unwarranted.
 - 4. Wis. Stats. § 173.10, investigation of cruelty complaints, and Wis. Stats. § 173.24, expenses of investigation, are hereby adopted by reference and made a part of this article.
 - (b) 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 which 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.
State law reference— Similar provisions, Wis. Stats. § 951.15.
- (15) Cruelty to animals and birds prohibited.

- (a) Acts of cruelty 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 disturb any bird's nests or bird's eggs.
 - (b) Use of poisonous and controlled substances. No person may expose any pet animal owned by another to any known poisonous or controlled substance listed in Wis. Stats. § 161.14, whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
 - (c) Use of certain devices prohibited. No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof, either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which has been affixed to nails, tacks or other sharp points.
 - (d) Shooting at caged or staked animals. No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a manmade enclosure, regardless of size.
- (16) Trapping of animals.
- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on Village-owned land within the Village, 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) All such traps set, placed or tended shall comply with Wis. Stats. Ch. 29 as they relate to trapping.
- (17) Vehicle accidents.
- The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the police department or an animal control agency the jurisdiction of which extends into the Village.
- (18) Limitation on number of dogs or cats.
- (a) Purpose. The keeping of a large number of dogs or cats within the Village for a considerable period of time detracts from and, in many instances, is

detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs or cats is, therefore, declared a public nuisance.

- (b) Number permitted per family or person. No family or person shall own, harbor or keep in its possession more than ten (10) dogs or cats or combination thereof on any residentially zoned lot without the prior approval of the Village Board except that a litter of pups or kittens or a portion of a litter may be kept for not more than eight weeks from birth. For the purposes of this section, the term "family" shall be defined as one or more persons.
- (19) Keeping of chickens.
- (a) Definitions.
Chicken means a domestic chicken of the sub-species *Gallus gallus domesticus*.
 - (b) See Zoning Ordinance Accessory & Miscellaneous Land Use 2.4.09 Section (14) for regulations regarding the keeping of chickens.
- (20) Penalty. The penalty for violation of subsection 6.05 shall be forfeiture of \$50.00, together with the costs of prosecution.

Amended by Ord No. 16-531 on 4/11/2016