

## CHAPTER 53 – ANIMAL CONTROL

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### **53.01 State Laws Adopted.**

This Chapter adopts the provisions of §§ 95.21 and Chapters 173, 174 and 951, , all as amended.

### **53.02 Interpretation.**

The provisions of this Chapter shall be interpreted to be the minimum requirements and shall be liberally translated in favor of the County and shall not be deemed a limitation of any power granted by the State of Wisconsin Statutes.

### **53.03 Applicability.**

The provisions of this Chapter shall apply to all areas of the County, except cities, towns, or villages within the County that have local health departments.

#### 53.04 Definitions.

For purposes of this Chapter, words or phrases, unless specifically defined, shall be interpreted as having the same meaning as they have in Wisconsin Statutes, Wisconsin Administrative Codes and/or judicially interpreted by Wisconsin Case Law.

- A. **Animal** includes every living warm-blooded mammal except human being.
- B. **Animal at Large** means any animal shall be deemed to be at large when off the property of the owner and not under restraint or control.
- C. **Animal Control Officer** means any person designated by a government agency (county or township), to enforce the adopted Chapters of the County and the State Statutes, as they pertain to animal control, except authority restricted to humane officers under § 173.07, Wis. Stats.
- D. **Animal Shelter** means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding and caring for animals held under the authority of this Chapter or State Law.
- E. **Confined** means the restriction of an animal at all times by the owner or an agent of the owner to an escape proof building, vehicle or other enclosure.
- F. **DATCP** means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
- G. **Domestic Animal** means any animal, which normally can be considered tame and converted to home life or livestock.
- H. **Dwelling Unit** means a building or portion thereof, designated or used exclusively for residential purposes.
- I. **Health Officer** means the person with authority in the County or a municipality for public health law enforcement and the implementation of public health program activities, or duly designated representative of such person.
- J. **Kennel** means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs.
- K. **Licensing Authority** means the municipal treasurer or its delegated collecting agent.
- L. **Owner** means any person who owns, harbors, or keeps a domestic animal. Where a family keeps a domestic animal, the head of the household shall be responsible for the requirements of this Chapter. Any animal shall be deemed to be harbored if it is fed and/or sheltered.

**M. Public Nuisance** means any domestic animal or animals which engage in one or more of the following:

1. Molesting passers-by or passing vehicles.
2. Attacking persons or animals without provocation when said persons or animals were peacefully conducting themselves, where they were lawfully entitled to be.
3. Trespassing on school grounds, parks, or cemeteries.
4. Being repeatedly at-large, where repeatedly means at least two (2) times.
5. Damaging private or public property.
6. Barking, whining or howling continuously for a time duration of one (1) hour or longer.

**N. Quarantine or Isolation Facility** means a humane society, shelter, veterinary hospital, or municipal pound, which is equipped with a pen or a cage which isolates one (1) animal from contact with other animals.

**O. Restraint** means any animal secured by a leash, lead, or within the fenced (underground/above ground) property limits of the animal's owner or leashed by a chain or other significant restraining device that limits the animal to the property limits of the owner.

**Q. Veterinarian** means a person who is currently licensed in the State of Wisconsin to practice veterinary medicine.

**R. Veterinary Hospital/Clinic** means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

**S. Vicious Animal** means any animal that when unprovoked, inflicts bites, injures, kills or attacks a human being or domestic animal on either public or private property. Two (2) bite incidents occurring off the owner's property constitutes a vicious animal, EXCEPT:

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 a criminal trespass of the dwelling upon the 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 any Chapter which protects person or 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 teased, tormented, abused or assaulted.
3. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity from an unjustified attack or assault.

4. No animal may be declared vicious for the act committed by said animal, while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

**T. Wild Animal** means any indigenous, warm blooded mammal which is now or historically has been found in the wild, including raccoon, skunk, fox, wolf, wolf-hybrid, coyote or any other indigenous species meeting the definition of animal.

### **53.05 Rabies Control Program.**

**A. Authority.** This Chapter was adopted by the County Board pursuant to the administrative authority granted by § 95.21, Wis. Stats.

**B. Administration.** The administration of the Rabies Control Program shall be under the County Health Officer in cooperation with the Sheriff's Office, the County Board of Supervisors, and the County Board of Health, which is the committee of jurisdiction.

**C. Quarantine and Enforcement.** Quarantine and enforcement shall be under the direction of the Health Officer and the Sheriff's Office, using written protocols. Both entities are authorized to consult with the veterinary advisor as may be necessary.

### **53.06 Program Expenditures Supported by License Fees.**

**A. Dog License Taxes.** The dog license taxes paid to the County Treasurer shall be kept in a separate account and shall be known as the "*Dog License Fund*," which shall be appropriated and disbursed for the purposes and the manner following:

1. On an annual basis after receipt of the same, the County Treasurer shall pay to the State Treasury five percent (5%) of the minimum tax provided for under § 174.05(2), Wis. Stats., of all dog license taxes.
2. Expenses necessarily incurred by the County in purchasing books, forms and other supplies required in the administering of the dog license law.
3. Expenses incurred by the County under § 95.21(4)(b) and (8), Wis. Stats.
4. Expenses incurred by the County Pound, Humane Society or other organization designated to provide a pound for collecting, caring for, and disposing of dogs if the owner of the animal is unknown or the owner is exempted from payment of the costs by the Health Officer.

**B. Surplus Funds.** Any amount remaining in the fund after deducting the above expenses shall be made available for and may be used as far as necessary for paying claims allowed by the County to the owners of domestic animals, for damages done by dogs during the license year for which taxes were paid. These claims are limited to One Thousand Dollars (\$1,000.00) per incident. In addition, no claims shall be paid to any person who has failed to obtain a license for a dog that is required to be licensed.

**C. Liability.** All claims filed under paragraph B above, shall be solely against the dog

license fund and shall not create any other liability on the part of the County.

**.53.09 Dog Licenses, Rabies Vaccination Requirement and Kennel Inspections.**

**A. Dog License.** Except as provided in § 174.054, Wis. Stats., the owner of a dog more than five (5) months of age on January 1st of any year or five (5) months of age within the license year shall annually on or before the date the dog becomes five (5) months of age pay the dog license fee as provided in § 174.05, Wis. Stats., and obtain a dog license. Any license eligible dog obtained during the license period or brought into the County must be licensed within thirty (30) days of obtaining the animal or bringing the animal into the County. The license year commences on January 1<sup>st</sup> and ends on the following December 31<sup>st</sup>. Proof of rabies vaccination in the form of a signed certificate from a veterinarian (see Section 53.09(D), below) shall be presented at the time of licensing to the city, village or town treasurer issuing the license pursuant to §§ 174.05 and 174.07, Wis. Stats. The licensing person shall prepare the report to the County Clerk as prescribed in § 174.08, Wis. Stats.

**B. Kennel License.** A single owner having possession of five (5) or more adult dogs shall be required to obtain a Kennel License. Such owner shall pay the license fee as prescribed by the County pursuant to § 174.053, Wis. Stats. The applicant must present current certificates of rabies vaccination for all dogs. Tags shall be issued for all dogs pursuant to § 174.07, Wis. Stats. Entities not receiving a kennel license by April 1<sup>st</sup>, or who are in violation of this Chapter, shall be reported to the Zoning Department by the local Health Department.

**C. Rabies Vaccination.**

1. **Initial Vaccination.** The owner of a dog shall have the animal vaccinated by a veterinarian by five (5) months of age. An owner who imports a dog into the County that has reached five (5) months of age, must have the dog vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. All veterinarians practicing in the County shall adopt the standard legal description for a rabies tag as defined by the National Association of State Public Health Veterinarians.
2. **Re-Vaccination.** The owner of a dog shall have the animal re-vaccinated:
  - i. Within one (1) year after the initial vaccination;
  - ii. Before the date that the immunization expires, as stated on the certificate; or
  - iii. If no expiration date is specified on the certificate, within one (1) year of the previous vaccination.

**D. Rabies Vaccination Certificate.** This Chapter adopts the provisions of § 95.21(2)(b), Wis. Stats.

**E. Kennel inspections.**

1. Entities licensed by the State must have an inspection performed by DATCP, based on DATCP requirements..

- i. If receive a passing inspection from DATCP no other inspection is required;
  2. ii. If do not receive a passing inspection from DATCP, the entities must work with DATCP to become compliant. Entities not licensed by the State must have an initial inspection prior to obtaining their first kennel license. This inspection is provided by the local Health Department to assure operators are meeting the requirements of ATCP Chapter 16.
    - i. Inspection fees will be posted at the health department, if applicable.
    - ii. Must pay re-inspection fee as posted at the Health Department for any required re-inspection if inspector has to return after a routine inspection to verify that violations have been corrected. Licenses will not be renewed without payment of re-inspection fees, if applicable.
    - iii. Violations not corrected will be reported to the Land Conservation and Zoning Department and/or law enforcement.
    - iiii. The health department will conduct additional inspections in response to complaints and/or violations.
      - a. Inspection fees will be posted at the health department.
      - b. Must pay re-inspection fee as posted at the health department for any required re-inspection if inspector has to return after a routine inspection to verify that violations have been corrected. Licenses will not be renewed without payment of re-inspection fees, if required.
      - c. Violations not corrected will be reported to the land conservation and zoning department and/or law enforcement

### **53.10 Animal Bite and Quarantine Protocol.**

#### **A. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.**

1. 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 the 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. 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.
3. An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates Section 53.10(B)(1), (2) or (3).
4. An officer who kills an animal shall deliver the carcass to the veterinarian or local Health Department, as defined in § 250.01(4), Wis. Stats. 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 of exposure to any rabies virus.

**B. Quarantine of a 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. "*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 (1) intervening day. If the observation period is not extended and 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.** 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. 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 the 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 re-vaccinated against rabies as soon as possible after the exposure to a rabid animal.
4. **Sacrifice of a dog or cat exhibiting symptoms or rabies.** If a veterinarian determines that a dog or cat exhibits symptoms or 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.

**NOTE:** All suspected animals are assumed to be rabid unless proven negative for rabies by the State Lab of Hygiene.

**C.** The owner of any animal involved in a bite/scratch incident 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.

**D.** Failure of the owner to deliver an animal to a veterinarian or place of quarantine as directed within twenty-four (24) hours shall be grounds for a judge to issue an order authorizing the animal control officer or responsible agency to seize said animal and make such delivery as intended at the owner's expense.

**E.** Any police, or animal control officer with reasonable cause to believe an animal has bitten/scratched a person or has bitten/scratched or been bitten/scratched by another animal, shall issue a quarantine. A quarantine may be delivered by personal service, registered mail (with a minimum verbal notice prior, to insure notification of animal owner to have animal examined or quarantined within twenty-four (24) hours of the incident) or by posting a quarantine sign in a minimum of two (2) conspicuous places on the property.

### **53.12 Restraint.**

**A. Restraint.** All owned animals shall be kept under restraint and shall not be permitted to run at large.

**B. Animal Nuisance.** All owners shall exercise care and control of their animals to prevent them from becoming a public nuisance.

**C. Declaration of a Vicious Animal.** The Animal Control Officer of the County or township or any Law Enforcement Officer, after conducting an investigation into the circumstances surrounding an unprovoked attack, is hereby empowered to declare an owned animal in question vicious. The owner of the animal shall be served personally or by certified mail, with return receipt requested, with an order declaring the animal vicious. Any owner aggrieved by said order may petition to the County Board of Health for review of the order. Upon receipt of the petition, the Board shall schedule and conduct a hearing in conformance with Chapter 227, Wis. Stats. After the hearing, the owner shall be notified in writing of the determination. If the owner or caretaker of the animal contests the determination, he/she may (within thirty (30) days) seek review of the decision by the Circuit Court.

**D.** When an animal has been declared vicious, the owner shall comply with the following:



1. While on the owner's or caretaker's property, the animal must be either:
  - a. securely confined indoors; or
  - b. In a securely enclosed and locked pen or structure, suitable to prevent the entry of young children and designed to prevent the animal from escaping. The pen or structure must be constructed with chain link fencing on all four (4) sides and the top.
2. If the pen or structure has no bottom secured to all four (4) sides:
  - a. The sides of the pen must be imbedded in the ground no less than two (2) feet, or have a concrete pad for the bottom; or
  - b. Securely confined using material of sufficient tensile strength to adequately confine the animal without risk of breaking if the animal is large and aggressive.
3. While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a suitable chain or leash not exceeding four (4) feet in length and under the control of the owner or the owners immediate family of at least sixteen (16) years of age. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.
4. All owners or caretakers of vicious animals shall display, in prominent places on their premises, near all entrances to the premises, signs in letters of not less than two (2) inches high using the words "***Warning – Vicious Animal.***" A similar sign must be posted on the kennel or pen of the animal.
5. No person shall sell or transfer possession of a "*vicious animal*" to another person without first notifying the person to whom the "*vicious animal*" is being sold or transferred of the fact that the animal has been deemed a "*vicious animal.*"
6. The owner of a vicious animal shall be required to show the Administrator proof of excess liability insurance coverage or proof that their homeowner's policy will cover future injuries.

### **53.13 Reporting of Animal Bite Incidents.**

Health care providers, attending physicians, and attending veterinarians are required to report all incidents of suspected and/or confirmed animal bites on persons in the County within twenty-four (24) hours to the County Health Department or the Sheriff's Office so that the case can be appropriately investigated. This includes bites occurring to the owner or immediate family. In the case that no health care providers, physicians, or veterinarians are contacted, the owner is responsible for reporting the incident within twenty-four (24) hours.

### **53.14 Impoundment, Quarantine and Violation Notices.**

**A. Unrestrained Animals.** Unrestrained animals shall be taken by a Law Enforcement or Animal Control Officer and impounded in a temporary or permanent animal shelter and confined in a humane manner. Where needed, the officer should seek appropriate court approval.

**B. Public Nuisance.** When an animal is causing a public nuisance and its owner cannot be contacted at the time of complaint, it may be impounded by a Law Enforcement Officer or a designated Animal Control Officer after an attempt has been made to contact the owner or if the owner is unknown. After impoundment, reasonable attempts shall be made to contact the owner. Animals kept within the premises can only be removed with appropriate court approval.

**C. Lawful Killing of an Animal.** A person may kill a dog or domestic animal if that person, or domestic animal owned by that person while on that person's property, is threatened with serious bodily harm. The animal may be destroyed providing that other restraining actions have failed and/or immediate action is necessary.

**D. Reclaiming an Impounded Animal.** An owner reclaiming an impounded animal shall pay the accrued impoundment and boarding fees and comply with the license and vaccination requirements of this Chapter.

**E. Animals not Reclaimed.** Any animal not reclaimed by its owner within seven (7) days becomes the property of the local governmental authority and shall be placed for adoption in a suitable home or humanely euthanized, preferably by lethal injection. Cost for impounding and euthanization shall be at the owner's expense.

**NOTE:** An animal owner aggravated by such quarantine may, within thirty (30) days, petition the County Board of Health for a hearing. The Board shall conduct a hearing within ten (10) days after receiving the petition to determine if the quarantine shall remain in effect or be withdrawn. The Department of Agriculture, Trade, and Consumer Protection, Division of Animal Health, the State of Wisconsin Humane Officer and/or the Wisconsin Department of Health Services, the Division of Public Health office in charge of the State Rabies Program, or a Wisconsin Licensed Veterinarian shall be consulted for a determination based on the circumstances of the incident and the animal(s) species involved. The quarantine remains in effect until after the hearing unless properly released pursuant to this Chapter.

### **53.15 Animal Care and Neglect.**

This Chapter adopts the provisions of Wisconsin Statutes Chapter 951 to address crimes against animals, using clarifications and references provided by the State of Wisconsin Humane Officer as a guideline in making such determinations. The County appointed Humane Officer shall attend, when possible, training as offered by the Wisconsin Department of Agriculture, Trade, and Consumer Protection, the National Animal Control Association, and the American Humane Association directed at individuals investigating complaints. When possible, a Wisconsin Licensed Veterinarian shall accompany complaint investigations of animal abuse, neglect, and mistreatment.

### **53.16 Animal Waste.**

**A.** The owner or person having immediate control of an animal shall promptly remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal upon public or private property. This shall be inapplicable in cases in which a person is being assisted by

assistance dogs, a seeing-eye-dog, or in the case of the transportation of animals or the transport of animals.

**B.** All pens, yards, structures, or areas where animals are kept shall be maintained in a nuisance-free manner as defined by § 951.14(4), Wis. Stats. Droppings and manure shall be removed regularly and disposed properly so not to significantly attract insects or rodents.

### **53.17 Dead Animal Disposal.**

All dead domestic animals shall be disposed of in a manner pursuant to § 95.50, Wis. Stats. Animals killed by motor vehicles shall not be included in this Section. Animals killed by motor vehicles will be disposed of in a manner outlined by any present contracts for removal in place with the Wisconsin Department of Transportation and the County or other arrangements.

### **53.18 Enforcement.**

**A. Civil and Criminal Provisions.** The County Health Officer, any other law enforcement person, or anyone authorized by the County may enforce this Chapter.

**B. Interference with Officer.** Law enforcement agency personnel are authorized to catch and impound animals at large with such authorization to include the pursuit of animals upon non-animal owner private property. It shall be a violation of this Chapter to interfere with the Animal Control Officer, Law Enforcement Officer, or the County Health Department employee in the performance of their duties.

**C. Tampering with Signs.** Anyone tampering with signs posted pursuant to this Chapter shall be subject to forfeiture.

**D. Release of Animals.** Only authorized persons or persons receiving proper authorization have the authority to release an animal from a pen, cage or holding facility

**E. Dangerous Animals.** A Wisconsin Licensed Veterinarian shall be consulted and/or utilized to assist in tranquilizing or otherwise handling dangerous animals.

**F. Referrals to Authorities.** Nothing in this Chapter shall prevent the Health Officer or designee from referring violations of this Chapter, State laws, or Federal laws to the appropriate authorities.

### **53.19 Health Officer's District Quarantine.**

Whenever the safety of the public shall require it, the County Health Officer, by posting notice published in the local papers, may order that for a period of twenty (20) days, from and after the date of the notice, that no dogs shall be permitted to go abroad in any of the streets, roads, lanes, alleys, or public places without being properly muzzled with a secure muzzle, or being led by a chain or other secure fastening.

### **53.20 Penalties.**

Penalties for this Chapter are set forth in Chapter 100.

### **53.21 Citation.**

This Chapter may be enforced by issuance of citations by the Sheriff's Office or the County Health Officer, Health Department designee, or any other person authorized to issue citations under this Chapter.

This Chapter was amended effective 4/17/2018 by County Board Resolution 19-2018 to remove certain WDATCP trained individual provisions and the Local Alternative Rabies Control Program and to revise the kennel inspection process.