

## TITLE 6

### Licensing and Regulation

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### CHAPTER 1

#### Licensing of Dogs and Regulation of Animals

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**SEC. 6-1-1**            DOG AND CAT LICENSE REQUIRED; DEFINITIONS.

- (a) **License Required.** It shall be unlawful for any person in the City of Thorp to own, harbor or keep any dog or cat more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
- (1) **Owner** means any person owning, harboring or keeping a dog or cat. The occupant of any premises in which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days is presumed to be harboring or keeping the dog or cat within the meaning of this Chapter.
  - (2) **At Large** means to be off the premises of the owner and not under the control of some person either by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be deemed to be upon the owner's premises.
  - (3) **Dog** means any canine, regardless of age or sex.
  - (4) **Cat** means any feline, regardless of age or sex.
  - (5) **Neutered** means a dog or cat having nonfunctional reproductive organs.
  - (6) **Animal** means mammals, reptiles and birds.
  - (7) **Cruel** means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.
  - (8) **Law Enforcement Officer** has that meaning as appears in Section 967.02(5), Wis. Stats., and includes a humane officer under Section 58.07, Wis. Stats., but does not include a conservation warden appointed under Section 23.10, Wis. Stats.
  - (9) **Farm Animal** means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.
  - (10) **Pet** means a domesticated animal.
  - (11) **Residential Lot** means a parcel of land zoned as residential, occupies or to be occupied by a dwelling, platted, or unplatted, and under common ownership. For the purpose of this Chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.

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

**SEC. 6-1-2 RABIES VACCINATION REQUIRED FOR LICENSE.**

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the City of Thorp after the dog has reached four (4) months of age, the owner shall have the dog vaccinated against rabies within thirty (30) days after the dog is brought into the City unless the dog has been vaccinated as evidenced by a current certificate of vaccination. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Section 95.21(2), Wis. Stats.
- (b) **Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and be in the form approved by the City stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center of Disease Control of the U.S. Department of Health and Human Services and the City.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is revaccinated, whichever occurs first.
- (d) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the

vaccination was given and the name, address and telephone number of the veterinarian.

- (e) **Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or to a dog securely confined indoors. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this paragraph do not apply to a dog which is not required to be vaccinated under Subsection (a).
- (f) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.
- (g) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

**SEC. 6-1-3** ISSUANCE OF DOG AND KENNEL LICENSES.

(a) **Dog Licenses.**

- (1) It shall be unlawful for any person in the City of Thorp to own, harbor or keep any dog or cat more than five (5) months of age without complying with the provisions of Sections 174.05 through 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
- (2) The owner shall pay annually a license tax and obtain a license on or before January 1 of each year for any dog or cat more than five (5) months of age, or before the dog or cat attains five (5) months of age.
- (3) The minimum license tax under this Section shall be Two Dollars (\$2.00) for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be Five Dollars (\$5.00). These amounts shall be reduced by one-half ( $\frac{1}{2}$ ) if the animal became five (5) months of age after July 1 during the license year. The license year shall commence January 1 and end December 31.
- (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 6-1-2

of this Chapter, the City Clerk-Treasurer shall complete and issue to the owner a license for such dog or cat containing all information required by state law. The City Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.

- (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog or cat for which the license is issued at all times, except as provided in Section 6-1-2(e).
- (6) The fact that a dog or cat is without a tag attached to it by means of a collar shall be presumptive evidence that it is unlicensed. Any City police or humane officer shall seize, impound or restrain any dog or cat for which a license is required which if found without such tag attached.
- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the City Clerk-Treasurer upon application therefor.

(b) **Kennel Licenses.**

- (1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of Thirty Dollars (\$30.00) for a kennel of twelve (12) or fewer dogs and an additional Three Dollars (\$3.00) for each dog in excess of twelve (12). Upon payment of the required kennel license tax and, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the City Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.
- (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 (5) 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. No dog bearing a kennel tag shall be permitted to stray or be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

State Law Reference: Section 174.053, Wis. Stats.

**SEC. 6-1-4** LATE FEES.

The City Clerk-Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog or cat five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or cat or if the owner failed to obtain a license on or before the dog or cat reached licensable age. Said late fee shall be charged in addition to the required license fee.

**SEC. 6-1-5** RABIES QUARANTINE.

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the City shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The City Clerk-Treasurer shall promptly post in at least three (3) public places in the City notice of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from City Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the City quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
  - (1) Quarantine or sacrifice of dog or cat. An officer shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a

rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal in a humane manner which avoids damage to the animal's head.

- (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (3) Risk to animal health.
  - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of the isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
  - b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) Sacrifice of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer of veterinarian shall kill the animal in a humane manner which avoids



damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the city, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a professional capacity with the City, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.
- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

**SEC. 6-1-6** RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL  
AND  
OTHER ANIMALS.

- (a) **Restrictions.** It shall be unlawful for any person within the City of Thorp to own, harbor or keep any dog or cat which:
  - (1) Habitually pursues any vehicle upon any public street, alley or highway in the City.

- (2) Assaults or attacks any person as described in Subsection (b) or damages property.
- (3) Is at large within the limits of the City.
- (4) Habitually barks or howls to the annoyance of any person or persons. (See Sec. ???)
- (5) Kills, wounds or worries any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (7) In the case of a dog or cat, is unlicensed.

(b) **Vicious Dogs and Animals.**

(1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period, it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises. A vicious dog which is found off the premises of its owner other than as hereinabove provided may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.

(c) **Animals Running at Large.**

- (1) No person having in his possession or ownership any animal or fowl shall allow the same to run at large within the City. The owner of any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in a proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or City Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.
- (2) A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

(d) **Owner's Liability for Damage Caused by Dogs; Penalties.**

The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted, as they currently exist and as they may be amended from time to time, and incorporated herein by reference.

**SEC. 6-1-7** IMPOUNDMENT OF ANIMALS.

(a) **Animal Control Agency.**

(a) The City of Thorp may contract with or enter into an agreement with such person, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.

(2) The City of Thorp does hereby delegate any such animal control agency the authority to act pursuant to the provisions of this Section.

(b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, any Police or Humane Officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the City, assaults or attacks any person, is at large within the City, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding office must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the City for any damages it sustains for improper or illegal seizure.

(c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the City, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Common Council. In the alternative, animal control or humane agencies serving the

City may provide notice pursuant to their operating procedures and state law. No animal shall be released from the pound without being properly licensed if so required by state law or City Ordinance.

- (d) **Sale of Impounded Animals.** If the owner doesn't reclaim the animal within seven (7) days, the animal warden may sell the animal to any willing buyer.
- (e) **City Not Liable for Impounding Animals.** The City and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

Cross Reference: Section 6-1-5 for Rabies Control.

**SEC. 6-1-8** DOGS AND CATS RESTRICTED ON CEMETERIES.

No dog or cat shall be permitted in any public cemetery except dogs specially trained to lead blind persons.

**SEC. 6-1-9** DUTY OF OWNER IN CASE OF DOG OR CAT BITE.

Every owner or person harboring or keeping a dog or cat knowing 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 (10) 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 humane officer upon demand for examination.

**SEC. 6-1-10** INJURY TO PROPERTY BY ANIMALS.

It shall be unlawful for any person owning or possessing an animal, to permit such animal to damage the physical property of another without the other's consent.

**SEC. 6-1-11** CONDUCT CAUSING A DISTURBANCE.

It shall be unlawful for any person knowingly to keep or harbor any dog that, in a public or private place, engages in unreasonably loud or otherwise disorderly conduct under circumstances in which the conduct tends to cause or provoke a disturbance. Such animals are hereby declared to be a public nuisance. A dog, animal or cat is considered to be in violation

of this Section when two (2) formal, written complaints are filed with the Police Department within a four (4) week period.

**SEC. 6-1-12** PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS.

(a) **Protected Animals.**

(1) Possession and Sale of Protected Animal. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the City any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear (*thalarctos maritimus*), red wolf (*canis nigher*), vicuna (*vicugna vicugna*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific Ridley turtle (*lepidochelys olvacea*), Atlantic green turtle (*chelonia myda*), Mexican Ridley turtle (*lepidochelys kemp*i).

(2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body of parts thereof, which appears on the endangered species list designated by the United States Secretary of the interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).

(3) Regulating the Importation of Certain Birds. No person, firm or corporation shall import or cause to be imported into this City any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(b) **Exceptions.** The provisions of Subsection (a) above 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 Department

of Natural Resources of the state, or to any person or organization licensed to present a circus.

- (c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the City any of the following animals, reptiles or insects:

- (1) All poisonous animals including rear-fang snakes.
- (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
- (3) Baboons (Papoi, Mandrillus).
- (4) Bears (Ursidae).
- (5) Bison (Bison).
- (6) Cheetahs (Acinonyx jubatus).
- (7) Crocodilians (Crocodilia), thirty (30) inches in length or more.
- (8) Constrictor snakes, six (6) feet in length or more.
- (9) Coyotes (Canis latrans).
- (10) Elephants (Elephas and Loxodonta).
- (11) Game cocks and other fighting birds.
- (12) Hippopotami (Hippopotamidae).
- (13) Hyenas (Hyaenidae).
- (14) Jaguars (Panthera onca)
- (15) Leopards (Panthera pardus).
- (16) Lions (Panthera leo).
- (17) Lynxes (Lynx).
- (18) Monkeys, old world (Cercopithecidae).
- (19) Ostriches (Struthio).
- (20) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
- (21) Rhinoceroses (Rhinocero tidae).
- (22) Sharks (class Chondrichthyes).
- (23) Snow leopards (Panthera uncia).
- (24) Tigers (Panthera tigris).
- (25) Wolves (Canis lupus).
- (26) Poisonous insects.
- (27) Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display of judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; zoological gardens; if:
- (1) Their location conforms to the provisions of the zoning ordinance of the City;
  - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;
  - (3) Animals are maintained in quarters so constructed as to prevent their escape; and
  - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

**SEC. 6-1-13** 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) (1) 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.
- (2) No retailer, as defined in Section 100.30(2)(g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Section 948.11, Wis. Stats.

**SEC. 6-1-14** 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 the animal 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.

State Law Reference. Section 948.13, Wis. Stats.

**SEC. 6-1-15** PROVIDING PROPER SHELTER.

- (a) **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 this Section. In the case of farm animal, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in Clark County.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
  - (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
  - (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
  - (1) Shelter from Sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
  - (2) Shelter from inclement weather.
    - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
    - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of



suitable size to accommodate the dog shall be provided.

- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
- (1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
  - (2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash in order to minimize health hazards.

State Law Reference: Section 948.14, Wis. Stats.

**SEC. 6-1-16** NEGLECTED OR ABANDONED ANIMALS.

- (a) **Neglected or Abandoned Animals.**
- (1) No person may abandon any animal.
  - (2) Any law enforcement officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. 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.
  - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
  - (4) 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.

(5) Section 948.16, Investigation of Cruelty Complaints, and Section 948.17, Wis. Stats, Expenses of Investigation, are hereby adopted by reference and made a part of this Ordinance.

- (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 City or any animal control agency with whom the City 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: Sections 948.15, 948.16 and 948.17, Wis. Stats.

**SEC. 6-1-17 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 City, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal from Motor Vehicle.** No person shall lead any animal upon a City street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet owned by another to any known poisonous substance or controlled substance listed in Section 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such pet or for the purpose of harming the pet. 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.
- (d) **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 work purpose or for the use in exhibition, competition, rodeo, circus or

other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device use to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.

- (e) **Shooting at Caged or Stake 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 man-made enclosure, regardless of size.

**SEC. 6-1-18 TRAPPING OF ANIMALS.**

- (a) In the interest of public health and safety, it shall be unlawful of any person, in or on land within the City of Thorp, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This Section shall prohibit the use of all traps other than live traps as describe above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (d) This Section shall not apply to trapping within the confines of buildings or homes.
- (e) Nothing in this Section shall prohibit or hinder the City of Thorp or its employees or agents from performing their official duties.

**SEC. 6-1-19 DOGNAPPING AND CATNAPPING.**

No person may take the dog or cat of another from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of the City or held for any purpose without the owner's consent. This Section does not apply to law enforcement officers, humane society agents or

public works employees engaged in the exercise of their official duties, or as otherwise permitted herein.

**SEC. 6-1-20** 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 whose jurisdiction extends into the City.

**SEC. 6-1-21** LIMITATION ON NUMBER OF DOGS AND CATS.

- (a) **Purpose.** The keeping of a large number of dogs and cats within the City 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 and cats, is therefore, declared a public nuisance.
- (b) **Definitions.** The following words and/or phrases shall be given the following meanings.
- (1) **Domesticated animals** means dogs and/or cats.
  - (2) **Single family residence** means one or more adjoining or contiguous lots in the City of Thorp under common ownership and a) having a building designed primarily for use by a single family as a residence; or b) having no buildings designed for human residence but which is/are located in an R-1 zoning district.
  - (3) **Duplex** means one or more adjoining or contiguous lots in the City of Thorp under common ownership having a building designed primarily for use by, or actually used by, two families as separate residences.
  - (4) **Apartment** means a condominium, or one or more adjoining or contiguous lots in the City of Thorp under common ownership having (a) one or more buildings designed primarily for use or actually used by more than two families as separate residences; (b) a building containing both a residential and commercial use.
- (c) **Number Limited.**
- (1) Except as provided in (2) below, it shall be unlawful for the person(s) living in:
    - a) a single family residence to house, harbor or keep in their possession more than three (3) domesticated animals;

- b) a duplex to house, harbor or keep in their possession more than two (2) domesticated animals; and
  - c) an apartment to house, harbor or keep in their possession more than one (1) domesticated animal.
- (2) A litter of domesticated animals or a portion of a litter may be kept for not more than eighteen (18) weeks from birth without violating of this ordinance.
- (d) **Waiver.** These provisions may be waived with the consent of the Common Council or upon the issuance of a kennel license. Such application for waiver shall first be made to the City Clerk-Treasurer who shall forward the request with his approval or objection to the Health Officer and the Police Department. After review, these officials shall make a recommendation to the Common Council prior to Council action on the matter. The City Council shall consider the following factors to determine whether or not to grant a waiver:
- (1) The facilities available to the domesticated animals;
  - (2) Prior to the enactment of this ordinance, the presence of a greater number of domesticated animals than is otherwise allowed by the ordinance;
  - (3) The history and nature of any complaints involving the domesticated animals intended to be kept by the applicant;
  - (4) The expertise of the applicant in training, managing and caring for domesticated animals; and
  - (5) Such other matters as the applicant or the City Council believes are relevant that minimize the effect of the domesticated animals on public health and safety.

**SEC. 6-1-22 KEEPING OF BEES.**

- (a) It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the city unless the bees are kept in accordance with the following provisions:
- (1) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard unless a variance is approved by the
  - (2) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent

- bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.
- (3) Fresh, clean watering facilities for bees shall be provided on the said premises.
  - (4) The bees and equipment shall be kept in accordance with the provisions of the state statutes.
  - (5) A conditional use permit shall first be obtained pursuant to the City Zoning Code.
- (b) Nothing in this Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located within a school or university building for the purpose of study or observation.

**SEC. 6-1-23 PENALTIES.**

- (a) Any person, violating Section 6-1-14, 6-1-15, 6-1-16, 6-1-17, 6-1-18, 6-1-19, 6-1-20, 6-1-21 or 6-1-22 shall be subject to a forfeiture of not less than fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the City Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
- (b)
  - (1) Anyone who violates Section 6-1-1, 6-1-2, 6-1-3, 6-1-4 and 6-1-5 of this Code of Ordinances or Chapter 174, Wis. Stats, shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
  - (2) An owner who refuses to comply with an order issued under Section 6-1-5 to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned nor more than six (60) days or both.
- (c) Any person who violates Section 6-1-6 through 6-1-13 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation

and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.