

BARRON COUNTY ORDINANCE NO. 2009 - 33
An Ordinance to Adopt a County-Wide
Animal Control Ordinance
The Barron County Board of Supervisors ordains as follows

1
2 **WHEREAS**, the Law Enforcement/Emergency Management Committee has
3 considered the adoption of a county-wide animal control ordinance (attached hereto); and

4 **WHEREAS**, this ordinance was approved by the Law Enforcement/Emergency
5 Management Committee on September 29, 2009 on a vote of 5-0, with Christensen, Jost,
6 Hardie, Olson and Mosentine voting in favor and no members against.

7
8 **NOW, THEREFORE, BE IT ORDAINED**, that the Barron County Supervisors
9 hereby adopts the attached Animal Control Ordinance to be included in the County Code
10 of Ordinances as Section 6-1 through 6-19.

11
12 **BE IT FURTHER ORDAINED**, that this Ordinance shall be effective upon its
13 adoption and publication and that publication of this ordinance may occur through
14 posting in accordance with Section 985.02 of the Wisconsin Statutes.
15

OFFERED THIS 19th day of October, 2009.

<p>Number of readings required: One <input checked="" type="checkbox"/> Two <input type="checkbox"/></p> <p>Vote required for passage: Majority <input checked="" type="checkbox"/> 2/3 Entire Board (20) <input type="checkbox"/></p> <p>Source of funding: Budgeted <input checked="" type="checkbox"/> General Fund <input type="checkbox"/> Grant <input type="checkbox"/> Contingency <input type="checkbox"/> Other <input checked="" type="checkbox"/> N/A Details _____</p> <p>Fiscal impact: n/a - Current year total amount: - Future years total amount: - Effect on tax levy – current year - Effect on tax levy – future years Fiscal Impact Reviewed by County Finance Director</p> <p>_____ Jeffrey French, Finance Director</p> <p>Board Action: Adopted <input checked="" type="checkbox"/> Failed <input type="checkbox"/> Tabled <input type="checkbox"/></p> <p>Approved as to form by Corporation Counsel: _____ John Muench, Corporation Counsel</p>	<p>_____ Ken Mosentine, Law Enforcement/Emergency Management Committee Chair</p> <p>(The Committee Chair signature verifies the action taken by the Committee.)</p>
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MOTION: (Olson/Wuorenma) for adoption. Carried. Noted that dates need to be updated on the last page of fees.

Animal Control Ordinance

1 State Laws Adopted:

The provisions of Section 95.21 and Chapter 174 Wisconsin Statutes, as from time to time amended.

2 Definitions:

As used in this ordinance, the following terms mean:

- (a) **Animal:** Any live, vertebrate creature, domestic or wild.
- (b) **Animal-at-Large:** Any animal shall be deemed to be at large when off the property of the owner and not under restraint.
- (c) **Animal Shelter:** Any facility operated by a humane society, or Municipal Agency, or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law for care, confinement, return to owner, adoption or euthanasia.
- (d) **Auction:** Any place or facility where animals are regularly brought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sales of animals by owners.
- (e) **Circus:** A commercial variety show featuring animal acts for public entertainment.
- (f) **Commercial Animal Establishment:** Any Pet Shop, Grooming Shop, Guard Dog Training Center, Auction, Riding School, Stable, Zoological Park, Circus, Performing Animal Exhibitions, or Boarding or Breeding Kennels.
- (g) **Confined:** Restriction of an animal at all times by the owner, or his agent, to an escape-proof building, vehicle, or other enclosure.
- (h) **Dog:** Any member of the CANIDAE family, or any hybrids of such Canidae, thereof, including but not limited to wolf hybrids, which are a cross between a wolf or a wolf hybrid and a domestic dog (Canis familiaris).
- (i) **Domestic Rodent:** mouse, rat, chinchilla, hamster, gerbil, guinea pig, ferret.
- (j) **Grooming Shop:** A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.
- (k) **Animal Control Officer:** Any person designated by the State of Wisconsin, a Municipal or County Government as a Law Enforcement Officer who is qualified to perform such duties under the laws of this State.
- (l) **Isolation Facility/Quarantine Facility:** A veterinary hospital, municipal pound, or other place specified by the Animal Control Officer which is equipped with a pen or cage which isolates the animal from contact with other animals.
- (m) **Kennel:** Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.
- (n) **Non-Human Primate:** prosimians of African and Asia and lemurs of Madagascar, the new world monkeys of Central and South America, the old world monkeys of Africa and Asia, and the apes; gibbons, gorillas, chimpanzees and orangutans.
- (o) **Owner:** Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is sheltered for three consecutive days or more.
- (p) **Performing Animal Exhibition:** Any spectacle, display, act or event, other than circuses, in which performing animals are used.
- (q) **Pet Shop:** Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel) that buys, sells or boards any species of animal.
- (r) **Public Nuisance Animal:** any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to the enjoyment of life or property. The term

“public nuisance animal” shall mean and include but not limited to any animal that:

1. Is found At Large
 2. Damages the property of anyone other than its owner.
 3. Molests or intimidates pedestrians or passersby.
 4. Chases vehicles.
 5. Excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyances, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 6. Causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or other in close proximity to the premises where the animal is kept or harbored.
 7. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.
 8. Is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained.
 9. Attacks other domestic animals, or
 10. Has been found by the Law Enforcement/Emergency Management Committee, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, and safety.
- (s) **Render Sterile:** Refers to surgical procedure that has been performed on an animal that renders it incapable of siring or bearing offspring. It includes neutering and spaying.
- (t) **Restraint:** Any animal secured by a leash or lead under the control of a responsible person and obedient to that person’s commands, or enclosed within the real property limits of its owner.
- (u) **Riding School or Stable:** Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the above animals, including a racetrack, trotting track or rodeo.
- (v) **Unlicensed Dog:** Any dog not having a annual dog license.
- (w) **Untagged Dog:** Any dog not having a valid license tag attached to its collar, whenever outdoors, unless the dog is securely confined in a fenced area.
- (x) **Unvaccinated Dog:** Any dog not vaccinated against rabies by a Veterinarian no later than 5 months of age and revaccinated within one year after the initial vaccination.
- (y) **Veterinary Hospital:** Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.
- (z) **Vicious Animal:** Any animal that when unprovoked, bites, injures, kills, or attacks a human being or domestic animal on either public or private property.
- (aa) **Exceptions** - notwithstanding the definitions of a “Vicious Animal above:
- a. 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 dwelling upon 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 an Ordinance which protects person or property.
 - b. 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 teasing, tormenting, abusing, or assaulting the animal.
 - c. No animal may be declared vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from unjustified attack or assault.
 - d. No animal may be declared vicious for acts 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.
- (bb) **Wild Animal:** Any live monkey, or other non-human primate, raccoon, skunk, fox, wolf, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm blooded animal which can normally be found in the wild state.

- (cc) **Wolf:** Any canine classified as *Canis lupus* or *Canis rufus*.
- (dd) **Wolf Hybrid:** Any canine which has a wolf ancestor within the previous four (4) generations. This definition shall include a wolf or wolf hybrid as either a sire or dam, grandsire or dam, great-grandsire/dam or great-great grandsire/dam. An animal shall also be considered a WOLF HYBRID if it has been represented by its owner as having wolf ancestry.
- (ee) **Zoological Park:** Any facility operated by a person, partnership, corporation, or government agency other than a pet shop or kennel, displaying or exhibiting one or more species of non-domestic animals.

3 **Permits:**

- (a) No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this section.
- (b) The Barron County Board of Supervisors shall promulgate regulations for the issuance of permits and shall include requirements for the humane care of all animals and for the compliance with the provisions of this ordinance and other applicable laws. The Barron County Board of Supervisors may amend such regulations from time to time deemed desirable for public health and welfare and for the protection of animals.
- (c) When a permit applicant has shown that he is willing and able to comply with regulations promulgated by the Barron County Board of Supervisors, a permit shall be issued upon payment of applicable fee, as established per schedule approved by the Barron County Law Enforcement/Emergency Management Committee as amended from time to time.
- (d) The permit period shall begin with the calendar year and shall run for one year. Renewal applications for permits shall be made thirty days prior to the start of the calendar year.
- (e) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a \$10.00 transfer fee.
- (f) No person shall train any dog for a fee to be used as a guard or sentry without possessing a valid permit. This section shall not apply to the City, County government, or any of its agencies. The application for a guard or sentry dog training permit shall state the name and address of the owner and trainer, location of the facility and the maximum number of dogs to be housed at the training facility.
- (g) The following Annual permits shall be issued upon payment of the applicable fee, to be determined by Resolution by the Barron County Board of Supervisors as compliance with this ordinance. No person may operate any of the following businesses without a valid permit issued by the Sheriff's Department:
 - (1) Kennel authorized to house fewer than twelve dogs
 - (2) Kennel authorized to house twelve or more but fewer than fifty dogs
 - (3) Kennel authorized to house fifty or more dogs
 - (4) Pet shop
 - (5) Riding Stable
 - (6) Auction (permit fee to be determined by the USDA)
 - (7) Zoological Park
 - (8) Circus
 - (9) Grooming Shop
 - (10) Petting Zoo
 - (11) Guard Dog Training Center
- (h) Every facility regulated by this ordinance shall be considered a separate enterprise requiring an individual permit.
- (i) Persons operating kennels for the breeding of dogs may elect to license such animals individually.
- (j) No fee may be required of any veterinary hospital, animal shelter, or Government-operated zoological park
- (k) Any Person who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fee.

(ALL APPLICABLE FEES TO BE ESTABLISHED BY THE BARRON COUNTY LAW ENFORCEMENT/EMERGENCY MANAGEMENT COMMITTEE)

4 License and Permit Issuance and Revocation:

- (a) The Law Enforcement/Emergency Management Committee may revoke any permit if the person holding the permit refuses or fails to comply with this ordinance, or any law governing the protection and keeping of animals.
- (b) Any person whose permit is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept, or harbored, and no part of the permit fee shall be refunded. For any animal, a receipt from an animal shelter, veterinarian or other individual must be obtained as proof of proper disposal.
- (c) It shall be a condition of the issuance of any permit that the Animal Control Officer shall be permitted to inspect all animals and the premises where the animals are kept at any reasonable time. And, shall, if permission for such inspection is refused, cause the permit of the refusing owner to be revoked.
- (d) If the applicant has withheld or falsified any information on the application, the Barron County Sheriff's Department shall refuse to issue a permit.
- (e) No person who has been convicted of mistreatment to animals shall be issued an animal license, or permit, or be granted a permit to operate a kennel.

5 Pet Shop Regulations:

- (a) Permit Required. No person may operate a Pet Shop without a valid permit issued by the Barron County Sheriff's Department.
- (b) Operation. Pet Shop establishments shall:
 - (1) Pay a permit fee as established in Section 3(g) of this Ordinance.
 - (2) Keep accurate records of each dog, cat, bird, or non-human primate sale, as provided by Federal and US Regulatory Enforcement and Animal Care Codes, for the minimum period of twelve (12) months after the date of sale. Included is the description, approximate age, and sex of animal sold, and the name and address of the purchaser. Records on sales of domestic rodents and fish are not required.
 - (3) If record of prophylactic medication and immunization is used in advertisements or is furnished to the purchaser or persons acquiring an animal, specific information regarding type, amount, and date of prophylactic medication and immunization shall be kept by the permit holder and shall become a part of the retail sales record.
 - (4) Take responsible care to release for sale, trade, or adoption only those animals which are free of disease, injuries, or abnormalities. A health certificate issued by a licensed veterinarian for any such animal within thirty (30) days before such sale, trade, or adoption is prima facie evidence that the permit holder has taken reasonable care as required by this Ordinance.
- (c) The following shall be deemed an animal unfit for sale or release:
 - (1) Obvious signs of infectious diseases as distemper, hepatitis, leptospirosis, rabies, or other similar diseases.
 - (2) Obvious signs of nutritional deficiencies which may include rickets, emaciation, etc.
 - (3) Obvious signs of severe parasitism-extreme enough to be influencing to general health.
 - (4) Obvious fractures or congenital abnormalities affecting general health of the animal.
- (d) The Animal Control Officer may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. The Animal Control Officer at the expense of the permit holder may order an examination by a veterinarian.
- (e) The permit holder shall furnish the purchaser a written statement at the time of the sale. The statement shall indicate the following:
 - (1) Date of sale

- (2) Name, address, and telephone number of both the permit holder and purchaser
 - (3) Breed, description, and approximate age of the dog, cat, or non-human primate.
 - (4) Prophylactic medication and immunizations and dates administered.
 - (5) Internal parasite medication (s) and date(s) administered; and
 - (6) Guarantee, if offered. If none, so state.
 - (7) Information regarding proper care, health needs and pet responsibility laws.
- (f) All pet shops, as defined herein, and stores selling animals, birds and fish as pets shall, in addition to the other requirements of this ordinance, comply with the following standards. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit.
- (1) All animals, birds, or fish shall be displayed in a healthy condition or; if ill, removed from display and shall be given appropriate treatment immediately.
 - (2) All the animals shall be confined and the confined area in which the animals are kept shall be maintained in a clean condition and in a good state of repair.
 - (3) The room temperature of the shop shall be maintained at a level that is healthful for every species of animal in the shop.
 - (4) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding material shall be changed as often as necessary and there shall be adequate ventilation to prevent an odor nuisance.
 - (5) Feces shall be removed from pens and enclosures as often as necessary to prevent unsanitary conditions and odor nuisance and stored in a tightly covered container until final disposal.
 - (6) All cages and enclosures are to be of a non-porous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn, and stretch out to its full length.
 - (7) The floor and walls of any room in which animals are kept shall be covered with an impervious smooth, cleanable surface. The floors and walls shall be cleaned and disinfected as often as necessary to prevent an odor nuisance.
 - (8) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent proof containers.
 - (9) Water. Hot water shall be available for cleaning cages. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over. The water container shall also be removable for cleaning.
 - (10) Feeding. Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over. The food dish shall be removable for cleaning.
 - (11) All animals must be fed and watered according to the accepted procedure for that species. The cages shall be cleaned every day, including Sundays and holidays.
 - (12) Fish. The water temperature shall be maintained at a healthful level.
 - (13) Shade required. Shade from the direct rays of the sun shall be provided for all animals.
 - (14) Each bird must have sufficient room to sit on a perch. Perches shall be placed parallel to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when the birds are sold. Parrots and other large birds shall have separate cages from smaller birds.
 - (15) No pet shop shall engage in the purchase, keeping, or sale of non-human primates, bats, skunks, or any species of animal considered "endangered" or considered a human health hazard by the USDA or Food and Drug Administration.
 - (16) It shall be unlawful for any person, firm, or corporation to sell or offer for sale, barter, raffle or give away baby chicks, ducklings, or other fowl as pets or novelties whether or not dyed, colored or otherwise artificially treated. This ordinance shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. No person may sell, offer for sale, raffle,

give away as a prize premium, use as an advertising devise, or display living chicks, ducklings, or other fowl or rabbits that have been dyed or otherwise artificially colored. In the case of any violation of this ordinance, it shall be the duty of the duly authorized Animal Control Officer to seize such fowl or pets and provide the necessary care and attention. Such fowl or pets shall not be returned until all expenses for such care and attention have been paid.

6 Grooming Shop Regulations:

- (a) Permit Required. No person may operate a grooming establishment without a valid permit issued by the Barron County Sheriff's Department.
- (b) Operation. Animal grooming establishments shall:
 - (1) Each grooming establishment shall pay a permit fee as noted in 3 g, and comply with 3 of this ordinance.
 - (2) Maintain quarters in which animals are kept in a clean condition and in a good state of repair.
 - (3) Animal pens or enclosures shall be large enough to provide freedom of movement to the animals contained therein and shall be constructed of nonporous and non-corrosive materials. Dogs and cats over the age of 5 months shall be housed in separate enclosures. Animals shall not have the freedom to roam the business establishment.
 - (4) The floors of any room in which grooming operations are conducted or in which animals are kept shall be covered with an impervious, smooth, cleanable surface. The floors shall be cleaned and disinfected daily.
 - (5) No animals shall be kept in any grooming establishment other than during regular office hours unless a valid kennel or pet shop permit is issued for the same location. Nothing in this section shall apply to an establishment where grooming is incidental to the operation of a veterinary hospital.
 - (6) The premises shall be kept free of insect and rodent infestations.
 - (7) The premises shall be maintained and operated in a nuisance free manner.

7 Kennels:

- (a) Permit Required. No person shall operate a kennel establishment without a valid permit issued by the Barron County Sheriff's Department. Each permit holder shall pay a permit fee as noted in 3 g, and comply with 3 of this ordinance.
- (b) Operation. Kennels establishments shall:
 - (1) Each permit holder shall comply with the minimum standards of this section. Failure to meet these standards shall be grounds for denial of a permit or revocation of a permit. Any person who keeps or operates a kennel may, instead of paying the license for each dog required by this Chapter, apply to the collecting official for a kennel license and upon presentation of evidence supplied by a licensed veterinarian that all dogs over five months of age are currently immunized against rabies, the collecting official shall issue a kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.
- (c) Standards:
 - (1) Enclosures must be provided which shall allow adequate protection against weather extremes. Floors of buildings, runs, and walls shall be of impervious material to permit proper cleaning and disinfecting.
 - (2) Building temperatures shall be maintained at a comfortable level for the animals kept therein. Adequate ventilation shall be maintained to promote health and odor control.
 - (3) Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or top of the cage or enclosure.
 - (4) Cages are to be of material and construction that permits cleaning and sanitizing.
 - (5) Runs shall provide an adequate exercise area and protection from the weather. Runs and sidewalls to four feet above floor level shall have an impervious surface to allow

for cleaning, disinfecting and odor control.

- (6) All animals are to be confined and all animal confinement areas and runs are to be clean, dry and in a sanitary condition.
- (7) The food shall be free from contamination, wholesome, palatable, and of sufficient quantity and nutritive value to meet the normal daily requirement for the condition and size of the dog.
- (8) All animals shall have potable water available at all times.
- (9) Every dog owned or kept in the County that is five (5) months of age or older shall be vaccinated against rabies. Young dogs shall be vaccinated within thirty (30) days after they have reached the age of five (5) months. Vaccinated dogs acquired or moved into County must be licensed within thirty (30) days after arrival unless it is under five (5) months of age as specified above. Every dog shall be re-vaccinated according to the recommendations of the vaccine used by the Veterinarian administering the vaccinations. The certificate of vaccination shall bear the expected duration of the immunity of the vaccine used. No dog license shall be issued unless evidence is presented that the dog has a current rabies vaccination.
- (10) No dog shall be accepted for boarding, grooming, or training unless it has been vaccinated for distemper and proof of such vaccination has been furnished to the facility operator. Any dog accepted must be in compliance with the all vaccination requirements of this ordinance.
- (11) Any animal that appears ill shall be promptly examined by a veterinarian of the owners' choice, if known, or by the veterinarian employed by the licensee, and a record kept of the examination and treatment.

8 Reporting of Animal Bite Incidents (taken in prt WI SS 95.21)

All incidents occurring in Barron County in which any animal bites a person shall be immediately be reported to the Sheriffs Department, Animal Control Officer, or Health Department by any person having knowledge of such incident.

- (a) The owner of any dog, cat or other animal which has bitten any person shall, upon demand of the Sheriff's Department, Animal Control Officer, or Health Department produce and surrender up such dog, cat, or other animal to such department to be held in quarantine for the minimum of ten (10) days. During the quarantine, the animal shall be securely confined and kept from contact with any other animal. The animal shall be examined at least three (3) times by a licensed Veterinarian or trained individual at the owners expense during the ten (10) day isolation period.
- (b) Any animal which does not have a current rabies vaccination shall be quarantined at an isolation facility or Veterinary hospital of the owners choice for a period of ten (10) days after the incident occurred. If there is reason to believe that the animal has been exposed to rabies, Wisconsin State Statute 95.21 (5) (c) shall apply. Charges for boarding such animal during the quarantine period shall be assumed by the owner of such animal and paid prior to the release of the animal.
- (c) Any animal which has a current rabies vaccination may, at the discretion of the Animal Control Officer or the Barron County Sheriffs Department, be held in quarantine on the property of the owner for a period of ten (10) days. Failure on the part of the owner to obey all conditions and directions of the Animal Control Officer or Health Department pertaining to the quarantine period shall result in the immediate impoundment of the animal in an isolation facility for the remainder of the quarantine period. Charges for boarding/examining such animal shall be paid by the owner prior to the animals release.
- (d) The owner of any dog, cat, or other animal which has contracted rabies, or which has been subjected to same, or which is suspected of having rabies shall immediately notify the Animal Control Officer, a Law Enforcement Agency, or Health Department. The owner shall produce and surrender up such animal to said department, to be held in quarantine at a veterinary hospital for a period to determine if the animal has rabies or not. The owner shall pay the charge of boarding/examining such animal during the quarantine period prior to the release of such animal.

- (e) No person shall knowingly harbor or keep any animal infected with rabies, any animal known to have been bitten by a rabid animal, nor fail to report to the Animal Control Officer, Law Enforcement agency or Health Department to the existence of an animal pursuant to this section.

9 Restraint (taken in prt WI SS 174.042)

- (1) All animals shall be kept under restraint and shall not be permitted to run-at-large.
- (2) All owners shall exercise proper care and control of their animal to prevent them from becoming a public nuisance.
- (3) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female cannot come into contact with another animal except for a planned breeding.

10 Control of Vicious Animals

- (1) The owner of an animal declared “vicious” shall comply with the following requirements:
 - (a) While on the owners or caretakers property, a vicious animal must be: 1) securely confined indoors or 2) in a securely closed 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 for all four sides, the sides must be imbedded in the ground no less then two (2) feet, or have a concrete pad for the bottom or 3) securely leashed or chained to an immovable object with the owner or caretaker being physically present.
 - (b) While off the owners or caretakers premises, the vicious animal must be muzzled and restrained by a substantial chain or leash not exceeding four (4) feet in length and under the control of a responsible person. 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 a person or animal.
 - (c) All owners or caretakers of vicious animals shall display, in prominent places on their premises and near all entrances to the premises, signs and letters of not less then two inches high using the words “WARNING-VICIOUS ANIMAL”. A similar sign is required to be posted on the kennel or pen of the animal.
 - (d) No person may 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 such is a “Vicious Animal” and of any requirements imposed upon the selling or transferring party by this Ordinance. No person may sell or transfer possession of a “Vicious Animal” without first notifying the Animal Control Officer thereof in writing, at least three (3) days in advance of the sale or transfer of possession.
 - (e) The Animal Control Officer or any Law Enforcement Officer, after conducting an investigation into the circumstances surrounding an unprovoked animal attack, is hereby empowered to declare the animal in question vicious. The owner of the animal declared vicious hereby shall be served personally or by certified mail with the return receipt with an order declaring the animal vicious. Any animal owner aggrieved by said order may petition the Barron County Law Enforcement/Emergency Management Committee for a review of the order in accordance with the procedure set fourth herein. Upon receipt of the petition of the aggrieved owner, the Barron County Law Enforcement/Emergency Management Committee shall schedule a hearing at the next regular meeting of the Barron County Law Enforcement/Emergency Management Committee. In the event that the petition is received within seven (7) days of the next regular meeting, the hearing shall be scheduled at the next monthly meeting. The hearing shall be conducted in conformance with the existing rules of the County regarding administrative hearing. After the hearing, the owner or keeper of the animal shall be notified in writing of the

determination. If a determination is made that the animal is vicious, the owner or keeper shall comply with the provisions of this subsection in accordance with a time schedule established by the Animal Control Officer or the Barron County Law Enforcement/Emergency Management Committee, but in no case more than thirty days subsequent to the date of determination.

- (f) No animal declared vicious shall be allowed off the owners or keepers premises other than provided in this section. Any animal declared vicious, and off the owner's or keeper's premises, un-restrained and/or at-large, other than provided in this section, may be seized and, upon delivery to the Animal Control Officer, Dog Pound, or other authority, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious disposition of said animal, by testimony under oath reduced to writing, be euthanized by proper authorities.
- (g) Where appropriate, the Animal Control Officer or any Law Enforcement Officer may proceed under Wis. Stats. 174.01 (1)

11 Certain Dogs May Be Killed

Subject to provisions of containment, a dog that has been declared **vicious, dangerous or potentially dangerous** that is chasing or approaching in a menacing fashion or in an apparent attitude of attack, that attempts to bite or otherwise endanger, or that kills or injures a person or an animal that is the property of another person can be killed at the time of that chasing, approaching, attempt, killing or injury.

If, in attempting to kill such a dog, a person wounds it, that person shall not be liable to prosecution under the penal laws which govern cruelty to animals nor is that person civilly liable for the death or the death or injury of that dog.

The owner of said dog is liable in damages for any injury, death of another animal or loss to the person or property that is caused by the dog unless the injury, death or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit a criminal offense against any person or was teasing, tormenting or abusing the dog on the owner's property.

Any dog, regardless of declaration of dangerousness or potential dangerousness or viciousness, that has killed a human being, regardless of the location or provocation will be immediately seized by county authority and humanely destroyed. If humane capture of the dog cannot be effected, the dog may be destroyed on site by any person or persons without prosecution for cruelty to animals or civil liability for such action. The owner of the dog shall be held fully responsible for its actions.

Disposition of Dangerous or Potentially Dangerous Dogs

All **potentially dangerous** and **dangerous** dogs so declared shall be properly licensed if applicable and vaccinated. The permitting authority shall include the **dangerous or potentially dangerous** designation in the registration records of the dog, in areas where Registration of Dogs is required, either after the owner or keeper of the dog has agreed to the designation or the court or hearing entity has determined the designation applies to the dog. Fees may be levied in addition to any applicable licensing fees to provide for the costs of maintaining the records of the dog and for inspections of the premises where the dog is housed, and for periodic inspection of the dog.

A **dangerous or potentially dangerous** dog shall at all times be maintained, housed, kept or otherwise restrained as outlined in this ordinance.

12 **Animal Care:** (taken in prt WI Chapters 173 and 951)

- (1) No owner shall fail to provide their animal with good and wholesome food and water- both daily and in sufficient quantity, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (2) No person shall beat, cruelly treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dog fight, cockfight, or other combat between animals and humans.
- (3) No owner of an animal shall abandon such animal.
- (4) No person shall give away any live animal, fish, reptile, or bird as a prize for or as an inducement to enter a place of amusement or offer such vertebrate as an incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.
- (5) Chickens or ducklings or fowl younger than eight (8) weeks of age may not be given away, bartered, or sold in quantities of less than twenty five (25) to a single purchaser unless in the business of selling these animals for agriculture, wildlife, or scientific purposes.
- (6) Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall stop at once and shall immediately report such injury or death to the animal's owner. In the event the owner cannot be ascertained and located, such operator shall at once report the accident to the Barron County Sheriff's Department.
- (7) No person shall expose any poisonous substances, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his own property, poisons designed for the purpose of rodents or pest extermination. This provision shall not prohibit Health Department Personal or licensed pest-control services.
- (8) No person shall confine any animal in a vehicle, including but not limited to a trailer under conditions that endanger the health or well being of the animal, including without limitation, confining the animal in a vehicle that is not adequately ventilated to ensure a temperature compatible with the health of the animal.

13 **Vaccination, Licensing and Tagging:** (taken in prt WI 95.21 174.05)

- (1) Requirement for vaccination. Except as provided in s. 174.054, the owner of a dog shall have dog vaccinated against rabies by a veterinarian at no later than 5 months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into this state after the dog has reached 5 months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within 3 years after the previous vaccination. (See Section 6-31 through 6-39).
- (2) Dog license. Except as provided in s.174.054, the owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license.
- (3) A dog which is outdoors, unless the dog is securely confined in a fenced area shall have a valid license tag attached to a collar.

14 Keeping of Wild or Vicious Animals:

- (1) No person shall keep or permit to be kept on their premises, any wild or vicious animal for display or exhibition purpose, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks or circus, or to non-poisonous snakes exceeding three feet in length which are kept and displayed for educational purpose
- (2) No person shall keep, or permit to be kept, any wild animal as a pet without required state and federal license
- (3) Anyone owning, harboring or keeping a snake in excess of 3 feet must register it with Barron County Animal Control within 30 days of entering Barron County or the passing of this ordinance.

15 Animal Waste:

- (1) 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.
- (2) All pens, yards, structures, or area where animals are kept, shall be maintained in a nuisance-free manner. Droppings and manure shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors and disease to the animal.

16 Enforcement:

- (1) The civil and criminal provisions of this Ordinance shall be enforced by the appointed Animal Control Officer and/or the Barron County Sheriff's Department.
- (2) Animal Control, Sheriff's Department, and Police Department personnel are authorized to catch and impound animals at large, with such authorization to include the pursuit of animals upon private property. It shall be a violation of this Ordinance to interfere with the Animal Control Officer, or Law Enforcement Officer in the performance of their duties.
- (3) Penalty. See attached schedule which is subject to modification from time to time by the Law Enforcement/Emergency Management Committee.

17 Conflicting Ordinances:

All other ordinances of Barron County that conflict with this ordinance, are hereby repealed to the extent of the conflict.

18 Severability Clause:

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not conflict the remaining parts of this ordinance.

19 Disposition of carcasses: (in prt WI SS 95.50)

No person shall deposit or throw or allow to be deposited or thrown into any stream, lake or swale, or leave or deposit or cause to be left or deposited upon any public highway or other place the carcass of any animal; nor deposit or leave or permit to be deposited or left upon any premises under that person's control any dead animal exposed in such manner as to be reached by dogs or wild animals for a longer period than 24 hours in the

months of April to November, or 48 hours during the months of December to March. The owner of such a carcass or any other person may report to the proper county officials or the contracting private rendering plant pursuant to s.59.54 (21) for removal and burial or other disposition of a carcass within the time specified in this subsection.