TITLE 7

Licensing and Regulation

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CHAPTER 1

Licensing of Dogs and Regulation of Animals

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SEC 7-1-1 DOG LICENSE REQUIRED; DEFINITIONS.

(Rev. 1/14'-Ord. 2014-01)

(a) **License Required**. It shall be unlawful for any person in the Village of Marshall to own, harbor or keep any dog for 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** shall mean any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this Section.

At large means:

a) To be off the premises of the owner.

i. 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.

ii. A dog on or in the Maunesha Waterway is exempt from this definition/rule if the owner has positive control of their animal at all times by one of the following methods: 1) using a physical leash or an operable electronic leash or 2) under voice or an audible command.

b) and/or not under the physical control of some person by a leash

c) and/or not confined in a cage or other enclosure sufficient to prevent the animal from initiating uninvited contact with any person.

d) and/or the animal is on the property of another without consent of that owner.

(2) **Dog** shall mean any canine, regardless of age or sex.

(3) **Cat** shall mean any feline, regardless of age or sex.

(4) **Neutered** as used herein as describing a dog or cat shall mean a dog or cat having nonfunctional reproductive organs.

(5) **Animal** means mammals, reptiles, and birds.

(6) **Cruel** means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

(7) **Law Enforcement Officer** has that meaning as appears in Sec. 967.02(5), Wis. Stats., and includes a humane officer under Sec. 58.07, Wis. Stats., but does not include a conservation warden appointed under Sec. 23.10, Wis. Stats.

(8) **Farm Animal** means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

(9) **Pet** means an animal kept and treated as a pet.

(10) **Leash** means a rope or other similar material, not to exceed ten (10) feet in length, attached to the neck or head of an animal, used to walk or control a dog or other animal.

(11) **Cage** means an enclosed pen, box, or other similar container which prevents the animal from escaping.

(12) **Physical control** means that the owner or other responsible person is physically restraining the animal in such a way that it is not likely to escape

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

SEC. 7-1-2 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 re-vaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Marshall 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 Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a dog shall have the dog re-vaccinated 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 Sec. 95.2 1(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 in the form approved by the Village 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 for Disease Control of the U.S. Department of Health and Human Services and the Village.

(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 re-vaccinated, 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 training, to a dog while hunting, to a dog securely confined indoors or to a dog securely confined in a fenced area. 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. 7-1-3 ISSUANCE OF DOG LICENSES.
(Rev. 6/01'-Ord. 2001-06; Rev. 12/02 - Ord. 2002-14)

(a) **Dog Licenses**.

(1) It shall be unlawful for any person in the Village of Marshall to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.

(2) The owner of any dog more than five *(5)* months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five *(5)* months of age, pay a license tax and obtain a license.

(3) The minimum license tax under this Section shall be Fifteen Dollars ($15.00) for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be Twenty Dollars ($20.00). The license year shall commence January 1 and end December 31. *(Rev. 10/08'-Ord. 2008-08; Rev. 11/05', Ord. 2005-08; Rev. 11/04', Ord. 2004-13; Rev. 3/99', Ord.1999-02)*

(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 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village 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 for which the license is issued at all times, except as provided in Section 7-1-2(e).

(6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any dog for which a dog license is required which is 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 Village Clerk-Treasurer upon application therefore.

SEC. 7-1-4 LATE FEES.

The Village Clerk-Treasurer shall assess and collect a late fee of Five Dollars ($5.00) from every owner of a dog 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 if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

SEC. 7-1-5 RABIES QUARANTINE.

(a) **Dogs and Cats Confined**. If a district is quarantined for rabies, all dogs and cats within the Village 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 Village Clerk-Treasurer shall promptly post in at least three (3) public places in the Village notices of quarantine.

(b) **Exemption of Vaccinated Dog or Cat from Village 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 Village 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 or animal warden 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 quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner that avoids damage to the animal's head.

(2) Sacrifice of other animals. 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.

(d) **Quarantine of Dog or Cat**.

(1) Delivery to isolation facility or quarantine on premises of owner. An officer or animal warden 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. 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 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.

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) Destruction of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian

shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.

(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 Village, 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 Village, 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. 7-1-6 RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL AND OTHER ANIMALS.

(a) **Restrictions**. It shall be unlawful for any person within the Village of Marshall to own, harbor or keep any dog or cat which:

(1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
(2) Assaults or attacks any person or destroys property.
(3) Is at large within the limits of the Village.
(4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-12)
(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, 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.
(2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

(c) **Animals Running at Large.** No person having in his possession or ownership any

animal or fowl shall allow the same to run at large within the Village. The owner of an animal, whether licensed or unlicensed, shall keep his animal from interfering with the passing public or neighbors. Any animal running at large unlicensed, unattended and required by state law or Village ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer or animal warden.

(d) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec. 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 and incorporated herein by reference.

SEC. 7-1-7 IMPOUNDMENT OF ANIMALS; ANIMAL WARDEN.

(a) **Animal Control Agency.**

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

(2) The Village of Marshall does hereby delegate to 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, A law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, 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 officer 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 Village 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 animal control 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 Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer or warden 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 Village Board. No animal shall be released from the pound without being properly licensed if so required by state law or Village Ordinance.

(d) **Sale of Impounded Animals**. If the owner doesn't reclaim the animal within seven (7) days, the animal control officer may sell the animal to any willing buyer.

(e) **Village Not Liable for Impounding Animals**. The Village 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.

SEC. 7-1-8 DUTY OF OWNER IN CASE OF DOG OR CAT BITE.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Village Police Department and shall keep such dog or cat confined for not less than ten (10) days or for such period of time as directed. The owner or keeper of any such dog or cat shall surrender the dog or cat to a law enforcement or humane officer upon demand for examination.

SEC. 7-1-9 ANIMAL FECES.

(Rev. 1/14'-Ord. 2014-01)

(a) **Removal of Fecal Matter.** The owner or person in charge of any dog, cat, horse, or other animal shall not permit solid fecal matter of such animal to deposit on any street, sidewalk, alley, public park, public walkway, trail or other public or private property, unless such matter is immediately removed there from by said owner or person in charge. No person shall walk an animal beyond the limits of his/her own property without carrying or having in his/her possession an item suitable for picking up and removing fecal matter. No person shall dispose of fecal matter on any public property or private property of another. This Section shall not apply to a person who is visually or physically handicapped.

(b) **Accumulation of Fecal Matter Prohibited on Private Yards.** The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

SEC. 7-1-10 INJURY TO PROPERTY BY ANIMALS.

It shall be unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate thereon.

SEC. 7-1-11 BARKING DOGS OR CRYING CATS.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs and cats are hereby declared to be a public nuisance. A dog or cat is considered to be in violation of this Section when two (2) formal, written complaints are filed with the Village Police Department within a four (4) week period.

SEC. 7-1-12 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS. *(Rev. 5/19-Ord. 2019-02)*

(a) **Protected Animals**.

(1) Possession and Sale of Protected Animals. 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 Village 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 niger), vicuna (vicugna vicugna), gray or timber wolf (canis lupus), sea otter (enhydra lutris), Pacific ridley

turtle (lepidochelys olivacea), Atlantic green turtle (chelonia mydas), Mexican ridley turtle (lepidochelys kempi).

(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 or 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 Village 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 Village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile 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 Village any of the following animals, reptiles or insects:

(1) All poisonous animals and reptiles including rear-fans snakes.
(2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); ans 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.
(9) Coyotes (Canis latrans).
(10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
(11) Elephants (Elephas and Loxodonta).
(12) Ferret.
(13) Game cocks and other fighting birds.
(14) Hippopotami (Hippopotamidae).
(15) Hyenas (Hyaenidae).
(16) Jaguars (Panthera onca).
(17) Leopards (Panthera pardus).
(18) Lions (Panthera leo)
(19) Lynxes (Lynx).
(20) Monkeys, old world (Cercopithecidae).
(21) Ostriches (Struthio).
(22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.

(23) Rhinoceroses (Rhinocero tidae).
(24) Sharks (class Chondrichthyes).
(25) Snow leopards (Panthera uncia).
(26) Tigers (Panthera Tigris).
(27) Wolves (Canis lupus).
(28) Poisonous insects.

(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 for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:

(1) Their location conforms to the provisions of the zoning ordinance of the Village.
(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.
(4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

(e) **Keeping of Livestock**

(1) Definitions. As used in this Subsection:
a. "Livestock" means any wild or domestic animal normally used or raised on a farm including specifically, but not exclusively, horses, cattle, mules, sheep, goats, swine, chickens, ducks, turkeys, mink, pigeons, but does not include cats or dogs, or small animals kept exclusively in the home.
b. Non-agricultural area means any area not zoned AG District.

(2) License Required. No person shall keep or allow the keeping, or lease property for the keeping, of livestock within the Village in any nonagricultural area without a license therefore issued pursuant to this Subsection.

(3) Eligibility. No person shall be granted a license under this Subsection unless they were a resident of the Village on November 24, 1981, and as of that date owned and kept within the Village one (1) or more animals not exempt under this Subsection.
a. Exception: The keeping of livestock will be allowed on public school grounds when they are in the care, control or custody of public school staff.

(4) Application and Issuance. All applications for a livestock license shall be in writing, signed by the applicant, and submitted to the Village Clerk-Treasurer on or before March 1, 1982. A Five Dollar ($5.00) fee must accompany each application. The application shall specifically identify each animal owned and kept within the Village on November 24, 1981. The application shall specify the area where the animal or animals are kept, the type of confinement or shelter to be used, and the name of the person responsible for the animals' care and feeding. Licenses shall be issued by the Clerk-Treasurer upon verification of the accuracy of the application.

(5) Non-transferability and Expiration. Licenses issued pursuant to this Subsection shall be non-transferable from the original applicant to another person, nor can the license holder transfer the location of the animal or animals to another prohibited area within the Village. Animals can be substituted for those, for which the license was originally issued, but they must be the same type of animal, and the total number of animals cannot exceed the number of animals listed on the original application for license. Licenses shall be automatically renewed by the Clerk-Treasurer and shall

expire upon the occurrence of any of the following:
a. The death or relocation of the applicant.
b. The transfer of ownership of the property.

(6) Penalty. In addition to license suspension or revocation, and the penalties provided for in Section 1-1-7, the Village Board may, after written notice to the owner and a hearing, order the Village police to confiscate and impound any animals kept contrary to the provisions of this Subsection.

SEC. 7-1-13 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 checks, 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 Sec. 10030(2)(g), Wis. Stats. 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: Sec. 948.11, Wis. Stats.

SEC. 7-1-14 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 all animals in good health.

(c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Sec. 948.13, Wis. Stats.

SEC. 7-1-15 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 animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

(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 so as to minimize health hazards.

State Law Reference: Sec. 948.14, Wis. Stats.

SEC. 7-1-16 NEGLECTED OR ABANDONED ANIMALS.

(a) **Neglected or Abandoned Animals.**

(1) No person may abandon any animal.

(2) Any law enforcement or animal control 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 Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.

(b) **Injured Animals**. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes

sick or injured. In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

State Law Reference: Sections 948.15, 948.16, 948.17, Wis. Stats.

SEC. 7-1-17 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

(a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his duties shall, within the Village, 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 Village 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 animal owned by another to any known poisonous substance or controlled substance listed in Sec. 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 animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.

(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 a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.

(e) **Shooting at Caged or Staked Animals**. No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

SEC. 7-1-18 LIMITATION ON NUMBER OF DOGS.

(Rev. 07-14-15, Ord. 2015-05)

(a) **Purpose**. The keeping of a large number of dogs within the Village of Marshall 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 is, therefore, declared a public nuisance.

(b) **Definitions.**

(1) **Dog**. A dog means any canine, regardless of age or sex.

(2) **Residential Lot**. A residential lot means a parcel of land occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a

dwelling and under the same ownership shall constitute one (1) lot.

(c) **Number Limited**.

(1) No family shall own, harbor or keep in its possession more than three (3) dogs in any residential unit, except that a litter of pups or a portion of a litter may be kept for not more than eight (8) weeks from birth.

SEC. 7-1-19 TRAPPING OF ANIMALS.

(a) In the interest of public health and safety, it shall be unlawful for any person, in or on Village-owned land within the Village of Marshall 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 described 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 on private property.

(e) Nothing in this Section shall prohibit or hinder the Village of Marshall or its employees or agents from performing their official duties.

SEC. 7-1-20 PENALTIES.

(a) Any person violating Sections 7-1-15, 7-1-16, 7-1-17, 7-1-18 or 7-1-19 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 Village 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 Sections 7-1-1, 7-1-2, 7-1-3, 7-1-4 and 7-1-5 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 Dollars ($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 7-1-5 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 not more than sixty (60) days or both.

(c) Any person who violates Sections 7-1-6 through 7-1-14 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.