

TITLE 7

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CHAPTER 1

Licensing of Dogs; Regulation of Animals

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SEC. 7-1-1 DOG LICENSES REQUIRED; DEFINITIONS; ADOPTION OF STATUTES.

- (a) **License Required.** It shall be unlawful for any person in the Village of Caledonia to own, harbor or keep any dog more than five (5) months of age on January 1 of any year, or 5 months of age within the license year which is January 1 to December 31, 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. An 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 is presumed to be harboring or keeping the dog or cat within the meaning of this Section.
 - (2) "At large" means to be off the premises of the owner and not under the control of some person 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" shall mean any canine, regardless of age or sex.
 - (4) "Cat" shall mean any; feline, regardless of age or sex.
 - (5) "Neutered" as used herein as describing a dog or cat shall mean 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 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.
 - (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 an animal kept and treated as a pet.
 - (11) "Leash" means a cord, thong or chain not more than ten (10) feet in length by which a dog is controlled by the person accompanying it.
- (c) **Incorporation of Statutory Regulation.** Sections 174.01 through 174.046 of the Wisconsin Statutes, and such sections as they may hereafter be amended and/or renumbered, are hereby incorporated by reference with respect to restraining action against dogs, the imposition of forfeitures for violations of such regulations and other regulations of dogs imposed under this Code, and the impoundment and subsequent delivery, treatment and disposition of dogs, provided, however, that this Section shall not be construed to restrict or limit any authority heretofore granted to the Police Department with respect to the regulation of dogs and shall not operate to reduce any forfeitures or other penalties which might otherwise be imposed under this Code.

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

SEC. 7-1-2 RABIES VACCINATION REQUIRED FOR LICENSE.

All applications for a dog license under this Chapter shall present proof of rabies vaccination or proof of exemption therefrom from the governing local health officer prior to issuance of the applicable license.

SEC. 7-1-3 ISSUANCE OF DOG LICENSES, KENNEL LICENSES, AND DOG FANCIER PERMITS.

(a) Dog Licenses.

- (1) It shall be unlawful for any person in the Village of Caledonia to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Section 174.05 through Section 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 unless exempt from the license tax for dogs kept for educational or scientific purposes as provided for under Sec. 174.054, Wis. Stat.
- (3) The license year shall be from January 1 through December 31. The minimum license fee shall be \$15.00 for spayed female dogs or neutered male dogs. The minimum fee for unspayed female dogs or unneutered male dogs shall be \$25.00. If a puppy becomes 5 months of age after July 1 during the license year, the appropriate fee shall be reduced by half.
- (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 Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village 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). The owner shall keep the license readily available for check by law enforcement officers if the dog is involved in an at-large and/or biting incident.
- (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 Village police or humane officer shall seize, impound or restrain any dog for which dog license is required which is found without such tag attached. 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 Treasurer upon application therefor.

(b) Kennel Licenses.

- (1) Definitions. In this Section “kennel” means and includes:
 - a. *Noncommercial Kennel.* Any person or not for profit entity that keeps, maintains, harbors, or possesses more than three (3) dogs, any of which that

do not stay in a residence on the property, over five (5) months of age, regardless of whether the housing is permanent, pending adoption or becomes permanent housing if determined to be unadoptable. This term shall exclude the commercial sale and breeding of any such animals. However, the charging of a fee to covers costs for maintenance, health care, neutering and spaying shall not disqualify the person, not for profit business, or household from noncommercial kennel status.

- b. *Commercial Kennel.* A for profit entity or person engaged in offering housing for three (3) or more dogs, training and/or breeding services and/or the breeding and sale of dogs, with the exclusion of veterinary hospitals. Commercial kennels shall include the long-term boarding of dogs for racing purposes but shall not include a person who boards dogs, that are owned by others and licensed by the Village or other municipality, temporarily or for short periods of time such as a doggie daycare or a person who keeps a dog while the dog’s owner is on a short-term vacation.
 - c. *Humane Society.* An impoundment facility under §174.046, Wis. Stat.
- (2) Prohibited. No person shall house, keep, maintain, harbor, or possess more than 12 dogs at any one time on a property in the Village of Caledonia. No person shall operate a Noncommercial Kennel, Commercial Kennel or a Humane Society in the Village of Caledonia that houses, keeps, maintains, harbors, or possesses more than 12 dogs at any one time.
 - (3) License Required. Any Noncommercial Kennel, Commercial Kennel or Humane Society shall be required to obtain a kennel license unless such entity or person has a dog fancier residence permit under Section 7-1-3(c). The license year shall run from January 1 through December 31..
 - (4) Restrictions. No kennel license shall be issued to any person or entity for any residentially zoned parcel, except to those persons or entities holding a kennel license on property residentially zoned on the effective date of this ordinance, provided that all of the other provisions of this ordinance are complied with. No kennel license shall be issued that allows more than 12 dogs.
 - (5) Application and Inspection. The applicant shall make application for a kennel license on a form prescribed by the Village Clerk and pay the application fee. Each application shall set forth the maximum number of dogs anticipated on the property at any one time. The property, including buildings/structures, for all new applications shall be inspected by the Village’s Humane Officer and a report of such inspection shall be filed with the Village Clerk prior to public hearing. The property, including buildings/structures, for renewal applications shall be inspected on an as needed basis as determined by the Village Clerk, the Village Humane Officer and/or a Village law enforcement officer.
 - (6) Public Hearing for New License. A public hearing for a new license shall be held by the Legislative and Licensing Committee to ensure that the issuance of the license is not contrary to the public's or animal’s health, safety or welfare. Notice of the public hearing shall be mailed to all adjacent and abutting property owners at least seven days prior to the hearing date. The public and the adjacent and abutting property owners may also submit comments in writing to the Village clerk prior to the public hearing to be included in the public hearing record.

- (7) Approval and Issuance of New Licenses.
 - a. After inspection of the premises and a public hearing, the Legislative and Licensing Committee shall make a recommendation to the Village Board on whether to approve or deny the application. Upon receipt of the recommendation, the Village Board may approve or deny the issuance of a kennel license. Any approval shall specify the maximum number of dogs allowed on the premises at any one time.
 - b. Upon presentation of evidence to the Village Clerk that all dogs over 5 months of age are currently immunized against rabies, the Village Clerk shall issue an approved kennel license and a number of kennel tags equal to the number of dogs authorized to be kept in the kennel.
- (8) Approval and Issuance of Renewal Licenses.
 - a. All premises for renewal applications are subject to inspection by the Village Humane Officer and/or a Village law enforcement officer.
 - b. The renewal application of each kennel license shall be reviewed by the Village Clerk for compliance with the ordinance. The license may be issued by the Village Clerk if there have been no complaints verified by the Village Humane Officer and the premises passes inspection as determined by the Village’s Humane Officer. If there have been verified complaints or a failed inspection, the renewal application shall be reviewed by the Legislative and Licensing Committee and the Committee shall determine whether to approve the renewal license. Any approval shall specify the maximum number of dogs allowed on the premises at any one time.
 - c. Upon presentation of evidence to the Village Clerk that all dogs over 5 months of age are currently immunized against rabies, the Village Clerk shall issue an approved kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.
- (9) Fees. At the time of submitting an application for a kennel license, the applicant shall license tax of \$35.00 to the Village. The application fee shall include all Village administrative costs in processing the application including the costs for inspection of the premises.
- (10) License Denial or Revocation. In the event of complaints regarding a current kennel license or a refusal to allow an inspection, the Legislative and Licensing Committee may review and discuss the license at a public meeting and take appropriate action up to, and including the revocation of the license. Prior to revoking a license under this section, the Legislative and Licensing Committee shall holding a public hearing on the proposed revocation. The Village may deny, refuse to renew, or revoke any license if the applicant or licensee is not fit, qualified, or equipped to conduct the activity for which the license is required, has violated or failed to obey any applicable law, order, ordinance or regulation, has refused inspection, or has misrepresented or intentionally failed to disclose a material fact in applying for the license.
- (11) Tags Required. The owner or keeper of a kennel shall, at all times, keep a kennel license tag attached to the collar of each dog over five (5) months old. All tags, including a rabies vaccination tag, shall remain on each dog at all times.
- (12) Transfer of Tags. Kennel tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel, however, the rabies

vaccination tag or substitute tag as well as the dog specific Village license under Section 7-1-3(a) shall remain attached to the dog for which it is issued at all times except on a show dog during competition.

(13) Strays. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the property unless the dog is on a leash, or on a temporary basis for the purposes of hunting, breeding, trial, training, or competition.

(14) Standards. Kennels shall be operated in accordance with the following requirements:

a. **Animal Care, Treatment and Disposal.**

1. All animals shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment immediately.
2. Each animal shall be observed daily by the animal caretaker in charge or by someone under his direct supervision.
3. Deceased animals shall be removed from the licensed premises within twelve (12) hours for reduction in a pathological incinerator, or for other proper disposal. They shall not be buried within the boundaries of the Village of Caledonia in any case.

b. **Animal Facilities.** All animals shall be kept in a way that has benefit of sufficient ventilation, sufficient heat during the winter and shade during the summer. In general, conditions shall be maintained that are conducive to the preservation of good health. The quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair in accordance with the following requirements:

1. **Facilities, Indoor.**

- a. *Heating.* Indoor housing facilities for animals shall be sufficiently heated when necessary to protect the animals from cold, and to provide for their health and comfort.
- b. *Ventilation.* Indoor housing facilities for animals shall be adequately ventilated to provide for the health and comfort of the animals at all times. Such facilities shall be provided with fresh air either by means of windows, doors, vents or air conditioning and shall be ventilated so as to minimize drafts, odors and moisture condensation.
- c. *Lighting.* Indoor housing facilities for animals shall have ample light, by natural or artificial means, or both, of good quality and well distributed. Primary enclosures shall be so placed as to protect the animals from excessive illumination.
- d. *Interior Surfaces.* The interior building surfaces of indoor housing facilities shall be constructed and maintained so that they are impervious to moisture and may be readily sanitized.
- e. *Drainage.* A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage onto the floor of the room.

2. **Facilities, Outdoor.**

- a. *Shelter From Sunlight.* When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all animals kept outdoors to protect themselves from the direct rays of the sun.
 - b. *Shelter From Rain or Snow.* Animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.
 - c. *Shelter From Cold Weather.* Shelter shall be provided for all animals kept outdoors when the atmospheric temperature falls below fifty degrees Fahrenheit (50°F). Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature falls below that temperature to which the animals are acclimated.
 - d. *Drainage.* A suitable method shall be provided to rapidly eliminate excess water.
3. **Primary Enclosures.** All primary enclosures for animals shall conform to the following requirements: Primary enclosures shall be: structurally sound and maintained in good repair to protect the animals from injury, to contain them, and to keep predators out; constructed and maintained so as to enable the animals to remain dry and clean; constructed and maintained so that the animals contained therein have convenient access to clean food and water as required in this Subsection; and the floors of the primary enclosures shall be constructed so as to protect the animals' feet and legs from injury.
4. **Space Requirements.** Primary enclosures shall be constructed and maintained so as to provide sufficient space to allow each dog to turn about freely and to easily stand, sit and lie in a comfortable normal position.
5. **Dog Houses With Chains.** If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be so placed or attached that they cannot become entangled with the chains of other dogs or any other objects. Such chains shall be of a type commonly used for the size dog involved and shall be attached to the dog by means of a well-fitted collar. Such chains shall be at least three (3) times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the dog house.
6. **Sanitation.**
- a. Primary enclosures for animals shall be sanitized often enough to prevent an accumulation of debris or excreta, or a disease hazard; provided, however, that such enclosures shall be sanitized at least once every two (2) weeks.
 - b. Housekeeping premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury. Premises shall remain free of accumulations of trash, and

excreta removed from pens or other enclosures shall be stored in tightly covered metal containers until final disposal if sanitary sewers or sewerage treatment facilities are not available on the premises.

- c. Food supplies shall be stored in rodent-proof containers, and food and water containers shall be kept clean.
- d. Yards, pens, premises and animals shall be kept free of insect infestations.
- e. No odor nuisances shall be permitted.

7. **Feeding and Watering.**

- a. *Feeding.* Animals shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal, and must be made available in suitable containers.
- b. *Watering.* Potable water shall be kept available at all times for all animals. Watering dishes or receptacles shall be kept clean and shall be sanitized at least once each week.

8. **Operator.** There shall be daily supervision on the premises.

9. **Dogs to Be Immunized Against Rabies.** No kennel operator shall sell or offer for sale any dog six (6) or more months old unless the dog has been vaccinated against rabies by use of an approved live, attenuated rabies virus vaccine administered by a licensed veterinarian unless such dog is exempt from vaccination as provided in Section 7-1-2. A certificate of vaccination identifying the dog, including its approximate age, date of vaccination, and signed by the vaccinating veterinarian shall be given the purchaser at the time the sale is made.

10. **Record of Transfer.** A record of transfer shall be kept for each animal held for transfer, sale, or sold at the kennel establishment, setting forth the date and source of acquisition date of rabies vaccination, the date of transfer, sale, and the name and address of the purchaser. Such records shall be maintained for at least two (2) years following the date of transfer or sale of each dog and such records shall be open to inspection by the Village Humane Officer at all reasonable times.

11. **Undomesticated Animals.** No wild (undomesticated) animal, or wild-domestic animal mix, shall be kept in or sold at a licensed kennel property.

12. **Statutory Provisions.** Full compliance with provisions of the Wisconsin Statutes shall be mandatory. To the extent a provision of the Wisconsin Statutes conflicts with this ordinance or requires a higher standard of care, the Wisconsin Statute shall apply.

(15) **Conditions of License.** The Village may issue any license conditioned upon relevant circumstances or acts. If a license is conditioned upon compliance within a specified period and the condition is not met within the specified period, the license is void. All licensed premises are subject to inspection at all reasonable times by the Village’s

Humane Officer and/or law enforcement officer. All licenses shall be subject to compliance with all applicable regulations under Ch. 1 of Title 7 of the Village of Caledonia Code of Ordinance and any other applicable ordinance.

- (16) Reinspection. If there is verified noncompliance with the Village ordinance, the permit holder shall be charged a fee of \$200.00 for each reinspection of the property. The fee shall be billed to the permit holder and shall be paid within thirty (30) days. A failure to pay the fee may result in a special charge against the real estate in accordance with Sec. 66.0627, Wis. Stat., and/or a denial of a renewal of the permit for the next permit year.
- (17) Effective Date. The effective date of this revised ordinance is November 15, 2014.

State Law Reference: See 1.74.053, Wis. Stats.

(c) **Dog Fancier Permit.**

- (1) Permit Required.
 - a. Any person who resides on a parcel of land with an area of at least one acre but not more than three acres, may apply for a dog fancier permit to allow such person to provide shelter for up to five dogs on such parcel at any one time.
 - b. Any person who resides on a parcel of land with an area in excess of three acres may apply for a dog fancier permit to allow such person to provide permanent shelter for up to seven dogs on such parcel at any one time.
 - c. Only one such permit per parcel may be issued.
 - d. Permits issued under this subsection shall require that the dogs be kept and sheltered in the residence on the parcel. For purposes of this subsection, sheltered shall mean that the dogs are housed overnight in the residence on the property.
- (2) Application and Inspection. The applicant shall make an application for a dog fancier permit on a form prescribed by the Village Clerk. Dogs proposed to be kept on the property shall be identified on the application. The property for all new and renewal applications shall be inspected from time-to-time, on an as needed basis as determined by the Village Clerk and/or Village Humane Officer. By making an application, applicant agrees that the Village has the right to inspect the premises at reasonable times. The premises for renewal applications shall be inspected on an as needed basis as determined by the Village Clerk and/or the Village Humane Officer.
- (3) Review. An application for a new dog fancier permit shall be reviewed by the Legislative and Licensing Committee of the Village Board to ensure that the issuance of the permit is not contrary to the public’s and animals’ health, safety or welfare.
- (4) Approval and Issuance of New Permit.
 - a. Upon the recommendation of the Legislative and Licensing Committee and after inspection by the Village Humane Officer, the Village Board may approve the issuance of a dog fancier permit upon the condition that applicant agrees to inspection by the Village Humane Officer and/or Village law enforcement officers at reasonable times and upon reasonable notice to ensure compliance with the Village Code of Ordinances and any other such conditions as it deems appropriate.

- b. Upon approval by the Village Board and presentation of evidence to the Village Clerk that each dog permanently residing on the property is properly licensed under Section 7-1-3(a), the Village Clerk shall issue a dog fancier permit. Any dog kept on the property for more than ten (10) days in a permit year shall obtain a license under Section 7-1-3(a) of this Chapter unless proof of a valid license issued by another municipality is provided upon request by the Village.
 - c. All dog fancier permits, whether new or renewed, shall be subject to compliance with all applicable provisions of this Code.
 - d. The permit year shall be from January 1st through December 31st. However, a new permit issued after September 30th of any given year shall be good through December 31st of the next calendar year.
 - e. The permit shall specify the total number of dogs allowed on the property.
- (5) Renewal.
- a. Dog fancier permits shall be renewed annually.
 - b. The renewal application for each dog fancier permit shall be reviewed by the Village Clerk. Upon confirmation of compliance with Village ordinance, verification of no complaints in the prior permit year, and verification that there are no inspection fees owed, the Village Clerk may issue a renewal permit after payment of the permit fee. The property may be inspected prior to renewal as determined by the Village Clerk, Village Humane Officer and/or Village law enforcement officers. If there have been verified complaints, the renewal application shall be reviewed by the Legislative and Licensing Committee and the Committee shall determine whether to approve the renewal permit and if approved upon what conditions to address any prior complaints.
- (6) Amendment to Permit. The Village Clerk may issue an amended dog fancier permit if the holder of the permit requests to delete and/or add a dog to the permit, provided the number of dogs does not exceed the total allowed by the permit and provided evidence is presented to the Village Clerk to show that any dogs to be added to the permit are properly licensed under Subsection (a).
- (7) Application Fee. Applicants for any dog fancier permit shall pay a license tax of \$35.00 to the Village. This fee shall pay for Village administrative costs including the cost of inspection (both initial and from time-to-time, except for reinspections when there is a noncompliance).
- (8) Revocation. In the event there are complaints regarding a current dog fancier permit or there is a refusal to allow inspection, the Legislative and Licensing Committee may schedule a review or public hearing on the matter to take appropriate action up to and including revocation of the permit. Prior to revocation, a public hearing shall be held by the Legislative and Licensing Committee.
- (9) Adequate Housing and Care Required. A holder of a dog fancier permit shall provide adequate housing and care for the animals.
- (10) Miscellaneous.
- a. A dog fancier permit may not be issued to a person for a parcel of land on which a multiple-family dwelling unit is present.

- b. A person owning multiple, adjacent parcels of land where only one such parcel has a residence upon it may combine the acreage of such adjacent parcels for purposes of this Subsection.
- c. A dog fancier permit may not be issued to a person for a parcel of land upon which no dwelling unit has been constructed.
- d. No dog fancier permit shall be required of any person on a parcel zoned residential currently holding a kennel license, provided that the kennel license is continuously maintained and provided that the holder complies with all of the other provisions of this Code.
- e. Reinspection. If there is verified noncompliance with the Village ordinance, the permit holder shall be charged a fee of \$100.00 for each reinspection of the property. The fee shall be billed to the permit holder and shall be paid within thirty (30) days. A failure to pay the fee may result in a special charge against the real estate in accordance with Sec. 66.0627, Wis. Stat., and/or a denial of a renewal of the permit for the next permit year.
- f. Grandfathering. Any person issued a permit under this subsection that has a permit for the year 2014 and houses dogs overnight in a location other than the residence, may continue to house their dogs in such location and shall be entitled to receive a permit under this subsection. If such location on the property changes or such location is determined to be detrimental to the health and welfare of the dogs as determined by the Village’s Humane Officer, the permit holder shall be required to house the dogs overnight in the residence.
- g. Effective Date. The effective date of this ordinance shall be November 15, 2014.

SEC. 7-1-4 LATE FEES.

The Village Treasurer shall assess and collect a statutory 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 1st 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.

SEC. 7-1-5 RABIES QUARANTINE.

Dogs, Cats and Ferrets shall be quarantined for rabies as provided for in Section 17-1-3 of the Code of Ordinances for the Village of Caledonia.

Cross-Reference: Section 7-1-9.

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 Caledonia 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 as described in Subsection (b) 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) **Viscous Dogs and Animals.**
- (1) No viscous 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 viscous disposition if, within any twelve (12) month period it bites or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises or when a propensity to attack or bite humans shall exist. No owner of a vicious dog shall allow it to be off the premises of its owner. Any 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 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.
 - (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) **Dogs Running at Large.** It shall be unlawful for the owner or keeper of any dog to permit or suffer such dog to be at large, which shall mean that it is off the premises of its owner or keeper and upon any public street or alley, any school ground, any public park or upon any other public or private property without the permission of the owner of the property, provided, however, a dog shall not be deemed to be at large if:
- (1) It is attached to a leash not more than ten (10) feet in length which is of sufficient strength to restrain it, and the leash is held by a person competent to govern it of at least ten (10) years of age and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where dogs are forbidden; or
 - (2) It is properly restrained within a motor vehicle.
- (d) **Owner's Liability for Damage Caused by Dog; 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.

- (a) **Animal Control Agency.**
 - (1) The Village of Caledonia 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, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.

- (2) The Village of Caledonia 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 animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of the 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 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 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. In the alternative, animal control or humane agencies serving the Village 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 Village 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) **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 DOGS AND CATS RESTRICTED ON CEMETERIES AND OTHER GROUNDS.

No dog or cat shall be permitted in any public cemetery. Every dog specially trained to lead blind persons shall be exempt from this Section. No person shall walk a dog or permit any dog to be on public or private school grounds unless express permission from those in control of the school grounds has been secured.

SEC. 7-1-9 DUTY OF OWNER IN CASES OF DOG OR CAT BITE.

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Police Department and shall keep such dog or cat confined pursuant to the requirements of Section 7-1-5. 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. 7-1-10 ANIMAL FECES.

- (a) **Public and private property.** It shall be unlawful for any person in immediate control of any Licensable or Permittable Animal or Fowl to permit fecal matter which is deposited by such Licensable or Permittable Animal or Fowl while off of its own premises to remain on any street, alley, sidewalk, lawn, field or any public property, and it shall be solely the responsibility of the person in control of such Licensable or Permittable Animal or Fowl to immediately, after deposit, remove all fecal matter and dispose of the same. Any person owning or having control of a Licensable or Permittable Animal or Fowl on any property, public or private, which is not owned or occupied by such person shall promptly remove excrement left by such Licensable or Permittable Animal or Fowl and place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person. This Section shall not apply to a person who is visually or physically handicapped. Any person causing or permitting a Licensable or Permittable Animal or Fowl to be on any property, public or private, not owned or occupied by such person shall have in his or her immediate possession a device or object suitable for removal of excrement and a depository for the transmission of excrement to the property owned or occupied by such person.
- (b) **Complaints.** Any adult person alone or together with other adults may seek relief from Licensable or Permittable Animal or Fowl fecal matter deposits as described in Subsection (a) above by a complaint to the Police Department in the same manner and procedure as set forth in Section 7-1-6(c)(2).

SEC. 7-1-11 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 or urinate thereon.

SEC. 7-1-12 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, animal or cat is considered to be in violation of this Section when written complaints from two (2) or more adults are filed with the Police Department within a four (4) week period. No prosecution shall be commenced except upon the request of the Police Department, following written petition signed by two (2) or more adult persons.

SEC. 7-1-13 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS.

(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*), or alligator, caiman or crocodile of the order of crocodilia, gray or timber wolf (*canis lupus*), sea otter (*enhydra lutris*), Pacific ridley turtle (*lepidochelys olivacea*), Atlantic green turtle (*chelonia mydas*), Mexican ridley turtle (*lepidochelys kemp*).
- (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. The Village Board may waive the provisions of this Section for premises with appropriate federal and state permits.

(c) **Wild and Exotic 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 or exotic animal, insect or reptile, or any animal with 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-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 (*Crocodilians*), including alligators, caymans and gavials.
- (8) Constrictor snakes.

- (9) Coyotes (*Canis latrans*).
 - (10) Dangerous cats (*Felidae*), including but not limited to Asian golden cats (*Catopuma temminckii*), clouded leopards (*Neofelis nebulosi*), leopards (*Panthera pardus*), lynxes (*Lynx*), jaguars (*Panthera onca*), lions (*Panthera leo*), ocelots (*Leopardus pardalis*), Pumas (*Felis concolor*) also known as cougars, mountain lions and panthers, servals (*Leptailurus serval*), snow leopards (*Panthera uncia*), tigers (*Panthera tigris*); this section is intended to prohibit all types of felidae except for your basic commonly known domestic house cat (*Felis Catus*).
 - (11) Deer (*Cervidae*) that are not farm-raised deer as that term is defined under Sec. 95.001(1)(ag), Wis. Stat.; includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose.
 - (12) Elephants (*Elephas* and *Loxodonta*).
 - (13) Foxes.
 - (14) Game cocks and other fighting birds.
 - (15) Hippopotami (*Hippopotamidae*).
 - (16) Hyenas (*Hyaenidae*).
 - (17) Monkeys, old world (*Cercopithecidae*).
 - (18) Ostriches (*Struthio*).
 - (19) Raccoons.
 - (20) Rhinoceroses (*Rhinocero tidae*).
 - (21) Skunks.
 - (22) Wolves (*Canis lupus*).
 - (23) Poisonous insects, including tarantulas.
- (d) **Exceptions; Pet Shops.**
- (1) 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; zoological gardens; if:
 - a. Their location conforms to the provisions of the zoning ordinance of the Village.
 - b. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - c. Animals are maintained in quarters so constructed as to prevent their escape.
 - d. No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.
 - (2) Guard dogs, ferrets, nonpoisonous snakes, nonconstricting snakes, rabbits and laboratory rats which have been bred in captivity and which have never known the wild shall be excluded from this Section.
 - (3) Subsection (c) does not apply to basic commonly known domestic house cats (*Felis Catus*).
- (e) **Keeping of Livestock Restricted.**
- (1) Definition. "Livestock" means cattle, equine as that term is defined in Sec. 895.481 (1)(a), swine, sheep, goats, farm-raised deer as that term is defined under Sec. 95.001(1)(ag), Wis. Stat., and other such animals susceptible to use for commercial purposes, including domesticated fowl, such as chickens (includes hens and

roosters)(as defined in, and except as may be permitted under Sec. 7-1-26), turkeys, geese, ducks, guineas, or other poultry. For the purposes of determining the number of units of livestock allowed on a parcel each unit of livestock shall equal 1000 pounds worth of livestock which shall be calculated pursuant to s. NR 243.05* of the Wisconsin Administrative Code.

(2) Keeping of Livestock.

a. Prohibition. It shall be unlawful for any person to keep any livestock within the Village unless otherwise permitted by this Chapter, and specifically by Sec. 7-1-26, or by the Zoning Code which has been adopted by the Village pursuant to Title 16 of this Code of Ordinances.

b. Exceptions.

1. Agricultural Use. Livestock may be kept on any parcel zoned for agricultural use provided the area of the parcel is at least two acres. The first two acres shall contain no more than one unit of livestock. Thereafter, each additional unit of livestock shall require one additional acre of land unless otherwise allowed by the zoning code or conditional use permit.

2. Residential Use. Livestock, except Chickens as that term is defined under Sec. 7-1-26, may be kept on any parcel zoned for residential use provided the area of the parcel is at least five acres and the livestock is housed more than 150 feet from every residence not on that parcel. The first two acres shall contain no more than one unit of livestock. Thereafter, each additional unit of livestock shall require one additional acre of land unless otherwise allowed by conditional use permit. The keeping of Chickens, as that term is defined under Sec. 7-1-26, on residentially zoned parcels shall only be allowed as permitted in accordance with Sec. 7-1-26 of this Code. Roosters on residentially zoned parcels are prohibited.

3. Pre-existing Uses. Livestock legally kept on a parcel prior to the adoption of this ordinance shall be allowed to remain on the parcel notwithstanding a violation of this section provided that the livestock is not determined by the Village Board to be a nuisance following a hearing on the matter if one is requested in writing by a neighbor residing on a parcel within 300 feet of the parcel where the livestock is kept.

c. Manure Management.

1. The Village may prepare a guide entitled Recommended Manure Management Practices.

2. Buffers Required. No accumulation or application of manure or any other material which causes any noxious or offensive odor or dust shall be closer than fifty (50) feet to a lot line in a residential zoning district. A twenty-five (25) foot wide area of vegetative cover shall be maintained between any unvegetated exercise area, manure pile, or application area and any surface water which is all or in-part off-site,

* Section renumbered per Wisconsin Administrative Code.

or any well, in order to minimize runoff, prevent erosion, and promote quick nitrogen absorption, and prevent water contamination.

- d. Nuisance. Any violation of this Section shall be deemed a public nuisance and the violator may be proceeded against in accordance with Title 11, Chapter 6 of the Village Code of Ordinances.

SEC. 7-1-14 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living chicks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
- (c) No retailer, as defined in Sec. 100.30(2)(e), 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: Sec. 951.10 and 951.11, Wis. Stats.

SEC. 7-1-15 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 open 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. 951.13, Wis. Stats.

SEC. 7-1-16 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 for animals other than dogs 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 and roof cover. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standard**. 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.
- (f) **Specific Housing Requirements for Dogs**. The minimum requirements for a dog house shall be as follows:
 - (1) The floor shall rest on an enclosed base four (4) inches in height.
 - (2) The height of the house shall be at least four (4) inches above the height of the occupant dog.
 - (3) The length and width of the house shall be of such dimensions that the dog occupant can lie flat on its side on the floor.
 - (4) The house shall have a tight board floor.
 - (5) The roof and sides of the house shall be so constructed as to be waterproof and windproof.
 - (6) A baffle shall be placed over the door in inclement weather. A baffle shall consist of some material or structure that will protect the occupant dog from direct exposure to the elements of weather.
 - (7) The whole floor shall be bedded with hay or straw to a thickness of at least six (6) inches.
 - (8) The doghouse run shall be located at least fifteen (15) feet from the owner's lot line.
 - (9) Shade from the direct rays of the sun in the months of June to September inclusive shall be provided in the area of the doghouse.
 - (10) The area around the doghouse shall be reasonably dry, without standing water or mud, and shall be kept reasonably clean.

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

SEC. 7-1-17 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 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 and 948.17, Wis. Stats.

SEC. 7-1-18 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

- (a) Acts of Cruelty Prohibited.** No person except a police officer, humane officer or county health officer in the pursuit of their duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any birds 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. 7-1-19 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 Caledonia, to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (b) All such traps set, placed or tended on Village-owned land shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (c) Nothing in this Section shall prohibit or hinder the Village of Caledonia or its employees or agents from performing their official duties.

SEC. 7-1-20 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 Village or held for any purpose without the owner's consent. This Section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted herein.

SEC. 7-1-21 VEHICLE ACCIDENTS.

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other domestic animal which appears to be a pet shall immediately notify the Police Department or an animal control agency whose jurisdiction extends into the Village.

SEC. 7-1-22 DISPLAY OF BIRDS IN FOOD ESTABLISHMENTS.

No person shall sell or display birds of the Psittacine family in any store selling, giving away or preparing food or drink for human consumption unless the birds are so enclosed as to prevent any possible contamination of the food or drink.

SEC. 7-1-23 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 zoned residential within the limits of the Village 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.
 - (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.
- (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. 7-1-24 CARE OF HORSES.

- (a) **Definitions.** For purposes of this Section, the following shall mean:
- (1) **Dry Lot.** Dry lot shall mean an enclosed area of land usually bare of vegetation.
 - (2) **Equine.** Equine shall have the same meaning as set forth in §895.481(1)(a), Wis. Stats.
 - (3) **Paddock.** A paddock shall mean an enclosed area of land used for pasturing or exercising animals, with or without vegetation.
 - (4) **Pasture.** A pasture shall mean land upon which grass, or some other plant is grown for feeding of Equine, that allows the land to be used for grazing.
- (b) **Responsibility.** A person owning or responsible for Equine(s), shall be responsible at all times for the care and welfare of such Equine(s) and for compliance with this Section.
- (c) **Shelters.** Shelter for Equine(s) shall be provided in accordance with §951.14, Wis. Stats., and as follows:
- (1) Equine(s) that are permanently kept in Pastures, Paddocks or Dry Lots and that do not have inclement weather access to stalls shall have access to a shelter that consists of at least three (3) walls and a roof. The shelter(s) shall be of such size and type of construction as will permit all Equine(s) to be completely underneath the roof and protected from direct exposure to weather. Equine(s) shall be moved to the location(s) where free access to the shelter can be obtained in inclement weather.
 - (2) Equine(s) that are kept on a property, regardless of the number of Pastures, Paddocks and Dry Lots, that has stall(s) for Equine access in inclement weather, shall not be required to provide the shelter described above in (c)(1). Equine(s) shall be moved to the location(s) where free access to the stalls or barn exists in inclement weather.
- (d) **Stalls/Barns.** The stalls wherein Equine(s) are kept shall be cleaned regularly. At a minimum regularly shall be once per day. An adequate supply of bedding or comparable material shall be kept in the stalls while Equine(s) are present. Indicators of a failure to comply with this subsection are: multiple piles of feces, impacted feces and urine in the bedding, and a strong manure smell.
- (e) **Food and Water.** Feed and open water shall be provided to Equine(s) to maintain their health and condition in accordance with §951.13, Wis. Stats. When the usual water supply becomes

frozen, water shall be provided to Equine(s) twice a day in such amounts to maintain their health and condition.

- (f) **Defects.** An Equine adjudged by State Certified Human Officer for the Village of Caledonia (if one is available) or a law enforcement officer of the Village of Caledonia to be sick, lame or injured shall not be used for work or recreation until the Equine is evaluated for use by a licensed Veterinarian.

SEC. 7-1-25 NUMBER OF DOGS LIMITED.

- (a) **Definitions.** In this section:
 - (1) “Dog” means any canine regardless of age or sex.
 - (2) “Residential lot” means a parcel of land zoned as residential, which is intended to be occupied by a dwelling.
- (b) **Limitation.** No person shall own, harbor or keep in their possession more than three dogs on any residential lot unless they have been issued and are in compliance with a kennel license, as provided in Section 7-1-3(b), or a dog fancier residence permit, as provided in Section 7-1-3(c).
- (c) **Exception.** A person may temporarily exceed the limitation of Section 7-1-25(b) due to the birth of puppies from the same litter, but only while such puppies are less than five months of age and the mother of the puppies is kept at the same residential lot.

SEC. 7-1-26 KEEPING OF CHICKENS IN SINGLE-FAMILY RESIDENTIAL DISTRICTS.

- (a) **When Hens Allowed.** Within the jurisdictional limits of the Village, Hens are allowed by permit under this Section on property zoned single family residential that also contains an occupied single-family dwelling if kept in compliance with this Section. This ordinance is adopted under the Village's police power for the health, safety and welfare of its residence and for the protection of property.
- (b) **Definitions.**
 - (1) **Chicken.** "Chicken" shall mean in this Section to include both Hens and Roosters generally.
 - (2) **Hen.** "Hen" shall mean in this Section a female Chicken.
 - (3) **Rooster.** "Rooster" shall mean in this Section a male Chicken.
- (c) **Prohibitions.**
 - (1) **Roosters Not Allowed.** Roosters are prohibited on property that is permitted for Hens. Note: Roosters remain restricted as livestock under Sec. 7-1-13(e) of this Chapter.
 - (2) **Slaughtering.** Slaughtering of Chickens within the jurisdictional limits of the Village of Caledonia is prohibited except on properties properly zoned and approved for such use.
 - (3) **Bird Fighting.** The raising or keeping of Chickens for fighting and the fighting of Chickens is prohibited within the Village of Caledonia as per § 951.08, Wis. Stats.
 - (4) **Business Or Commercial Use Prohibited.** Nothing herein shall be interpreted to authorize the conduct of a business or commercial use on a residential property.
- (d) **Requirements.**
 - (1) **Where allowed.** Hens are not allowed in any residential zoning district except for

single-family residential districts and on property that contains an occupied single family dwelling. Hens shall not be allowed to roam freely on parcels less than 25 acres and shall be contained to Chicken coops and runs as set forth below. For parcels 25 acres and greater in size, only Chicken coops are required as set forth below.

- (2) **Maximum number of Hens.**
- a. Up to five (5) hens shall be allowed on parcels that are 5 acres or less in size in compliance with this ordinance.
 - b. Up to thirty-three (33) hens shall be allowed on parcels that are greater than 5 acres in size in compliance with this ordinance.
- (3) **Feed.** All feed for Hens must be kept in airtight containers that are out of reach of wild animals.
- (4) **Coops.** Hen coops are required to house the Hens on a property in compliance with this ordinance. An accessory building permit is required for all Hen coops. A Hen coop is a building structure that provides housing/shelter for Hens and shall meet the following requirements:
- a. Hens must be provided at least 3 square feet of floor space each.
 - b. A coop must have minimum dimensions of 2 feet long by 2 feet wide by 4 feet tall.
 - c. There must be at least 2 nesting boxes per 5 hens.
 - d. Coops must include elevated perches to ensure chickens are able to rest in their natural position.
 - e. Coops must be structurally sound, insulated, moisture proof and kept in good repair.
 - f. Coops must have vents to ensure proper ventilation during all times of the year.
 - g. There must be a minimum of 1 foot of window for each 10 feet of wall space.
 - h. Coops must be clean, dry and kept in a neat and sanitary condition at all times and exist in a manner that will not disturb the use or enjoyment of neighboring lots due to noise, odor, or other adverse impact.
 - i. Waste from Hens must be properly disposed of according to Sec. 7-1-10.
 - j. During the winter months to protect from inclement weather:
 1. Windows must be covered with clear plastic to minimize drafts. Air vents shall be installed to ensure adequate air quality for the Hens.
 2. Coops must be kept at a temperature of no less than 35° F.
 3. Water must not be frozen in the winter.
 - k. Coops must provide access to the chicken run, when required.
 - l. No coop shall be located closer than 20 feet to any residential lot line on an adjacent lot. Coops (and their runs) must be located in the rear yard and must meet requirements of accessory structures under Section 16-1-1(a)(11) of this Code.
 - m. **Bedding.** The material that covers the floor of a coop is commonly referred to as bedding and should be at least two inches thick. The primary function of the bedding is to absorb moisture from droppings, water spills, limit odors, and facilitate coop cleaning.
- (5) **Chicken Runs.** Unless a parcel is at least 25 acres in size, hens must have access to an outdoor fenced structure (a run) that meets the following requirements:

- a. Each Hen shall have at least 6 square feet of space each in the run.
 - b. Minimum dimensions - 2 feet wide by 2 feet long by 3 feet tall.
 - c. Fencing must have spacing of no more than 1 inch.
 - d. Top of the run must be covered with fencing with spacing of one inch or less.
 - e. Fencing shall be buried 1 foot under the ground if the run is not mobile.
- (6) **General care requirements.** Hens must be properly cared for.
- a. Feed must be provided daily and must be proper for Hens in accordance with § 951.13.(1), Wis. Stats.
 - b. Clean water must be provided at all times and changed daily in accordance with § 951.13. (2), Wis. Stats.
 - c. All enclosures for the keeping of Hens shall be so constructed and maintained as to prevent rats, mice, other rodents, and animals from being harbored underneath or within the enclosure.
- (e) **Permit; Application and Review Process.** A permit from the Village is required in order to keep Hens on property as provided for under this ordinance. Only one permit shall be issued to each parcel number. Permits expire December 31 of each year. Applications shall be made prior to December 1st of each year including for renewals. Late fees will apply after January 31st of each year.
- (1) Applicant shall submit the following to the Village Clerk's office:
- a. Completed initial or renewal permit application in a form from the Village's Clerk's office.
 - b. A copy of the proof of registration of the property where Hens will be kept with the Wisconsin Department of Agriculture, Trade, and Consumer Protection.
 - c. A plan that includes a scaled drawing of the parcel showing the proposed location of the coop and run, if required. The drawing shall include dwelling units on properties within 100 feet of the proposed coop and any run location.
 - d. Fees as may be applicable.
- (2) Review and Approval.
- a. **Plan Review.** Prior to approval of the initial permit, the plan and location shall be reviewed and approved by Building Inspector or designee prior to approval of the initial Permit. Renewal applications do not require resubmission of the plan.
 - b. **Site Review.** Prior to the initial permit, the intended site for the keeping of the Hens shall be reviewed by the Zoning Administrator or their designee. Renewal applications do not require a site review if there have been no complaints and the plan has not changed.
 - c. **Approval.** Initial and renewal permit applications shall be reviewed by the Village Clerk. The Village Clerk shall approve or deny such application or may, in their discretion, refer the application for review and action by the Legislative and Licensing Committee. Upon referral, the Legislative and Licensing Committee may approve or deny the application utilizing the same criteria under this Subsection. An "initial" application under this Section shall mean an application by a person that has not previously received a permit

under this Section for the applied for location. A renewal application shall mean an application by a prior permittee for the same site with the same plans.

- (f) **Application and Permit fee.** All fees under this ordinance shall be as set forth in the fee schedule as set by the Village Board by Resolution from time-to-time. The fees to be established are as follows: application fee, initial permit fee, renewal permit fee and late fee. These fees will not be prorated.
- (g) **Complaints; Animal Cruelty.**
 - (1) **Complaint Process; Revocation.** Any complaints about Chickens on property, whether for noncompliance, noise or nuisance, shall be made to the Village Clerk's office. Whenever the Village, through its agents or employees, upon inspection of the property complained of, finds the condition of the property to be in violation of this Section, an order shall be issued by the Zoning Administrator or their designee, to the owner of the property (and occupant if different from owner) to correct said condition within 10 days. If the order is not complied with or the requirements of this Section are not met, the Village may refuse to approve or renew a permit under the Section. The Village may also revoke any permit granted for noncompliance after providing ten business days notice of the basis for the revocation and opportunity for hearing. Any permittee facing revocation may request a hearing before the Legislative and Licensing Committee pursuant to Title 4 of this Code. Once a permit is revoked, a permit shall not be reissued for three years. Nothing herein shall prevent the Village from issuing a citation for violation of any provisions of this Section at the time an order to correct is issued or notice of intent to revoke a permit is issued.
 - (2) **Animal Cruelty violations.** The following conditions are hereby determined to be animal cruelty under Sec. 7-1-18 of the Village's Code of Ordinances: noncompliance with the requirements for the care and keeping of Hens under this ordinance including inadequate food or water, dirty coop, improper temperature conditions, sick or unhealthy Hens, and improper size coop and run.
 - (3) Multiple violations, meaning three or more violations of this Section are a sufficient basis for the Village's revocation of a permit, non-issuance of a permit and/or nonrenewal of a permit.

SEC. 7-1-27 – 7-1-29 RESERVED FOR FUTURE USE.

SEC. 7-1-30 PENALTIES.

- (a) Any person violating Sections 7-1-5, 7-1-15, 7-1-16, 7-1-17, 7-1-18, 7-1-19, 7-1- 20, 7-1-21, 7-1-22, 7-1-23, 7-1-24, 7-1-25 and 7-1-26 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, and 7-1-4 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 Section 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.
- (d) Each and every day that a violation of this Chapter exists constitutes a separate daily violation for which a separate daily penalty can be imposed.