

CHAPTER 1

Licensing of Dogs and Regulation of Animals

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SEC. 6-1-1 DOG LICENSE REQUIRED; DEFINITIONS.

(a) License Required. It shall be unlawful for any person in the Village of Scandinavia 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) Definition. 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.
2. "At large" means to be off the premises of the owner and not under the control of some person either by leash or otherwise, 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.

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

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

(a) Rabies Vaccination. The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30)

days after the dog reaches four (4) months of age and revaccinated within on (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Scandinavia 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 revaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within three (3) years after the previous vaccination. No dog license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. The certificate of vaccination shall meet the requirements of Section 95.21(2), Wis. Stats.

- (b) Issuance of Certificate of Rabies Vaccination.** A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and 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 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 revaccinated, whichever occurs first.
- (d) Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.
- (e) Tag to be Attached.** The owner shall attach the rabies vaccination tag or a substitute tag to a collar and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or 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 certification of rabies vaccination and the delivery of a rabies vaccination tag.

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

(a) Dog Licenses.

1. It shall be unlawful for any person in the Village of Scandinavia 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, 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 Three Dollars (\$3.00) for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be Eight Dollars (\$8.00).
4. Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 6-1-2 of this Chapter, the 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 6-1-2(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 Village police 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 Treasurer upon application therefor.

(b) Kennel Licenses.

1. Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this Chapter, apply for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax of Thirty-Five Dollars (\$35.00) for a kennel of twelve (12) or fewer dogs and an additional Three Dollars (\$3.00) for each dog in excess of twelve (12). Upon payment of the required license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.
2. The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the

dog for which it is issued at all times, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

3. Kennel licenses may only be issued for premises that have first received a conditional use permit for kennel operation under the Village Zoning Code.

State Law Reference: Section 174.053, Wis. Stats.

SEC. 6-1-4 LATE FEES.

The Village Treasurer may assess and collect a late fee of Thirty Dollars (\$30.00) 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. 6-1-5 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 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 shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer may kill a dog or cat only as a last resort if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner, which avoids damage to the animal's head.
2. **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 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 (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. Sacrifice of a dog or cat exhibiting symptoms of rabies.

If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer 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. 6-1-6 RESTRICTIONS ON KEEPING OF DOGS, CATS, FOWL AND OTHER ANIMALS.

(a) Restrictions. It shall be unlawful for any person within the Village of Scandinavia 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 Sec. 6-1-12)
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. 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 of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the police authorities.

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.

1. 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 any animal, whether licensed or unlicensed, shall keep his animal tied or enclosed in proper enclosure so as not to allow said animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or Village Ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.
2. A dog or cat shall not be considered to be running at large if it is on a leash and under control of a person physically able to control it.

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

The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated herein by reference.

(e) Setting Dogs at Large Prohibited. No person shall open any door or gate of any private premises for the purpose of setting any dog at large except the owner of such dog, and no person

shall so set any dog at large which is confined in a municipal pound.

SEC. 6-1-7 IMPOUNDMENT OF ANIMALS.

(a) Impounding of Dogs. A law enforcement officer or other person restraining a dog running at large shall take such dog to the pound. The boarding fee for impounded dogs shall be \$6.00 per day plus the actual cost of any necessary vaccinations. The keeper of the pound shall attempt to identify and notify the owner and shall keep a public record of all dogs impounded.

(b) Release of Dog to Owner or Representative. The keeper of the pound may release the dog to the owner or his representative if such person:

1. Gives his name and address.
2. Presents evidence that the dog is licensed and vaccinated against rabies, or a receipt from a licensed veterinarian for prepayment of a rabies inoculation.
3. Pays the dog's boarding fee.
4. Pays for an obtains any applicable dog license if the dog is not licensed.

(c) Release of Dog to Person Other Than Owner. If the owner of the dog is unknown or does not reclaim the dog within seven (7) days, the keeper of the pound may release the dog to a person other than the owner if such person:

1. Gives his name and address and presents a receipt from a licensed veterinarian for prepayment of a rabies inoculation, unless evidence is presented that the dog is vaccinated against rabies.
2. Pays the adoption fees.
3. Pays for an obtains any applicable dog license unless evidence is presented that the dog is licensed.

(d) Claiming Animal; Disposal of unclaimed Animals. After seizure of animals under this Section by a law enforcement or

humane officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the 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 for fourteen (14) 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.

(e) 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.

(f) 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 of this Section.

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

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.

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

Every owner or person harboring or keeping a dog or cat who knows that such dog or cat has bitten any person shall immediately report such fact to the Sheriff's Department and shall keep such dog or cat confined for not less than fourteen (14) days or for such period of time as the Sheriff's Department shall direct. 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. 6-1-10 ANIMAL FECES.

The owner or person in charge of any dog or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. This Section shall not apply to a person who is visually or physically handicapped.

SEC. 6-1-11 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 thereon.

SEC. 6-1-12 PUBLIC NUISANCE: NOISY ANIMALS OR FOWL.

It shall be unlawful for any person knowingly to keep or harbor any animal or fowl which by frequent or habitual howling, yelping, barking, crowing, or making of other noises shall greatly disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals or fowl are hereby declared to be a public nuisance.

SEC. 6-1-13 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*), or alligator, caiman or crocodile of

the order of crocodilian, 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 Regulation 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 of 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 (*Sympylangus*).
3. Baboons (*Papio*, *Mandrillus*).
4. Bears (*Ursidae*).
5. Bison (*Bison*).
6. Cheetahs (*Acinonyx jubatus*).
7. Crocodilians (*Crocodylia*), thirty (30) inches in length or more.
8. Constrictor snakes, six (6) feet in length or more.
9. Coyotes (*Canis latrans*).
10. Deer (*Cervidae*); includes all members of the deer family; for example, white-tailed deer, elk, antelope and moose.
11. Elephants (*Elephas* and *Loxodonta*).
12. Game cocks and other fighting birds.
13. Hippopotami (*Hippopotamidae*).
14. Hyenas (*Hyaenidae*).
15. Jaguars (*Panthera onca*).
16. Leopards (*Panthera pardus*).
17. Lions (*Panthera leo*).
18. Lynxes (*Lynx*).
19. Monkeys, old world (*Ceropithecidae*).
20. Ostriches (*Struthio*).
21. Piranha fish (*Characidae*).

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.
29. Bees, wasps and hornets.
30. Except in properly zoned districts, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.

(d) Exceptions; Pet Shops. The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display 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 on hundred (100) feet of the quarters in which the animals are kept.

(e) Livestock and Poultry. No horse, mule, donkey, pony, cow, pig, goat, sheep, or animal raised for fur-bearing purposes, and

no dove cote, rabbit warren, or other yard or establishment where small animals or fowl such as ducks, geese, turkeys, pheasants, rabbits, or guinea pigs are kept shall be allowed within the Village limits. However, chickens may be kept as permitted in 6-1-13(f).

- (f)** Excepted from the prohibitions set forth in this section are chickens and chicken coops, which meet the following requirements.

1. Chickens Allowed

- (a) A "chicken" is defined as a domestic fowl of the subspecies *Gallus domesticus*.
- (b) Any person may keep up to 5 female chickens on any residential zoned lot less than one acre in size in the Village which contains one single-family residential dwelling unit.
- (c) Any person may keep up to 5 female chickens per acre on any residential or agricultural zoned lot one acre or larger in size which contains one single-family residential dwelling unit.
- (d) No rooster shall be allowed to be kept under this section.
- (e) Chickens may only be kept in a chicken coop or the attached and contiguous run located in the rear yard area. The chicken coop or run shall not be located in the front, interior side, or corner side yard of the residential zoning lot.

- 2. Slaughtering of chickens.** No person shall slaughter any chicken within the Village of Scandinavia other than at a licensed meat processing facility.

3. Construction and maintenance of coop.

- (a) A coop shall be constructed from conventional building materials in a workmanlike fashion or be a premanufactured enclosed structure designed specifically for the keeping of urban chickens. Such coop must be secure and impermeable to rodents, wild birds and predators, including dogs and cats and must be constructed or modified in a fashion to provide a humane environment for the chickens, including adequate

ventilation, adequate sun, adequate shade and adequate protection from adverse weather. A newly built or installed coop shall have a minimum of 3 square feet per chicken and cannot exceed 24 square feet in size on any lot less than one acre in size.

(b) A chicken coop may have a run attached and contiguous to the coop with the run constructed in a fashion to confine the chickens and in compliance with the provisions of this section. A chicken run is a fenced cage that may not exceed 40 square feet in area or one percent of the rear yard area, whichever is greater. However, in no instance, may the chicken run exceed 100 square feet in area.

(c) Chicken coops and runs must be kept clean, dry, and odor free and kept in a sanitary condition at all times in such a manner as to not disturb the use or enjoyment of adjoining property due to noise, odor or any other adverse impact.

4. **Confinement of chickens.** Chickens must be kept in a chicken coop or the attached and contiguous run at all times. Between sunrise and sunset, chickens may be allowed outside of the coop in the run. Chickens must be secured within the coop between sunset and sunrise.

5. **Location of chicken coop and run.** A chicken coop must be located no closer than 10 feet to the rear wall of the residential dwelling unit located on the zoning lot and no portion of the coop or run shall be located within 10 feet of any lot line of the zoning lot upon which the coop and run are located. No portion of the coop or chicken run shall be located within 25 feet of any principal structure located upon any adjacent property.

6. **Annual residential chicken premises permit required.** No person shall keep any chickens nor construct any chicken coop or run without first obtaining an annual residential chicken premises permit hereunder.

(a) Fees. Initial and annual permit fees, established by the Village Board and listed in the Village of Scandinavia Fee Schedule, shall be paid to the Village Treasurer by the applicant when the initial and annual renewal applications are filed. The annual renewal permit fee shall be paid to the Village Treasurer by the applicant no later than January 15 of each year.

- (b) Application. The application for the annual residential chicken premises permit shall be made using such forms required by the Village Board and must contain an accurately scaled drawing showing the location of the proposed coop and any chicken run, distances to lot lines and distances to the nearest adjoining principal structure, together with dimensions of the coop and chicken run. Chicken runs shall be exempt from the Village of Scandinavia Zoning Code related to fencing regulations. However, all chicken runs constructed shall be of wire normally used for the containment of chickens. If, owing to special conditions, a literal enforcement of a specific provision of this Ordinance will result in practical difficulty or unnecessary hardship it will be at the discretion of the Village Board to grant an exception from that provision. If the applicant is not the owner of the parcel, the property owner must sign the application certifying approval for the use of the premises for this purpose. The property owner's signature must be notarized.
- (c) Registration. Any permit application shall be accompanied with satisfactory evidence that the applicant has registered the proposed location with the Wisconsin Department of Agriculture, Trade, and Consumer Protection pursuant to Sec 95.51, Wis. Stats. and ATCP 17, Wis. Adm. Code.
- (d) Permit Year. The permit year shall be January 1 through December 31.

7. Miscellaneous

- (a) All food supplies maintained for the coop must be kept in a secure and rodent-proof container.
- (b) Should any person feed chickens kept under this section with food meant for human consumption or scraps of such food, it shall only be fed within the coop and shall be prohibited within the chicken run.
- (c) All waste generated by the operation of the coop and chicken run, including, but not limited to, chicken carcasses, manure, droppings and spoiled feed, shall be disposed of in a bag placed in a container for collection by a

commercial waste hauler or disposed of at an approved waste collection site.

- (d) A member of the Village Board may enter the rear yard of a residential or agricultural zoned lot at any reasonable time to determine if a property is in compliance with the provisions of this section.
- (e) **Farm Animals.** Cows, horses, pigs, sheep, poultry and other farm animals shall not be kept within the Village limits unless kept in a properly zoned agricultural district under Title 10, Chapter 1 (Zoning Code) of this Code of Ordinances is obtained.

8. **Penalty.**

- (a) A One Hundred Dollar (\$100.00) re-inspection fee shall be charged by the Village against and paid by the property owner if the violation is not corrected by the re-inspection date. One Hundred Dollars (\$100.00) will be charged for each subsequent re-inspection until full compliance is achieved. Re-inspection fees that are not timely paid shall be entered upon the tax roll as a special charge against the lot or parcel of land, pursuant to the provisions of Sec 66.0627, Wis. Stats.
- (b) Any property with two or more nuisance activities resulting in enforcement action within a 12-month period shall be ineligible to receive a renewal permit for a period of one year after the date of the last enforcement action. In addition, no other person may apply for a permit hereunder on the zoning lot subject to such prior permit during said period of renewal ineligibility.

SEC. 6-1-14 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) (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. 100.30(2) (g), Wis. Stats., may sell, offer for sale, barter or give away living baby rabbits, baby chicks, ducklings or other fowl under two (2) months of age, in any quantity less than six (6), unless the purpose of selling these animals is for agricultural, wildlife or scientific purposes.

State Law Reference: Section 948.11, Wis. Stats.

SEC. 6-1-15 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 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: Section 948.13, Wis. Stats.

SEC. 6-1-16 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 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: Section 948.14, Wis. Stats.

SEC. 6-1-17 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 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. 6-1-18 CRUELTY TO ANIMALS AND BIRDS PROHIBITED.

- (a) **Acts of Cruelty Prohibited.** No person except a police officer or health or humane officer in the pursuit of his duties shall, within the 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 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 in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

SEC. 6-1-19 TRAPPING OF ANIMALS.

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on land within the Village of Scandinavia,

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 shall be defined as those traps which capture and hold an animal in an alive an 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 within the confines of buildings or homes.
- (e) Nothing in this Section shall prohibit or hinder the Village of Scandinavia or its employees or agents from performing their official duties.

SEC. 6-1-20 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. 6-1-21 VEHICLE ACCIDENTS.

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

SEC. 6-1-22 LIMITATION OF NUMBER OF DOGS.

(a) **Purpose.** The keeping of a large number of dogs within the Village 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 zoned as residential, 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 two (2) dogs on any single family residence or any multi-family residence of less than five hundred (500) square feet without the prior approval of the Village Board and the owner of the multi-family residence, except that a litter of puppies or a portion of a litter may be kept for not more than eight (8) weeks from birth. If more than one (1) family resides at a residence, then only a total of two (2) dogs shall be allowed unless the prior approval is obtained from the Village Board. For the purpose of this section, the term "family" shall be defined as one (1) or more persons.
- (2) The above requirement may be waived with an approval of the Village Board or when a kennel license has been issued by the Village. Such application for waiver shall first be made to the Village Clerk.

SEC. 6-1-23 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 within the corporate 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.
 - (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. 6-1-24 DANGEROUS AND VICIOUS DOGS REGULATED.

(a) Definitions.

- (1) Owner. As used in this ordinance, any person, firm, corporation, organization or department, possessing, harboring or having the care or custody, whether temporarily or permanently, of a dog.
- (2) Caretaker. Any person 16 years of age or older who, in the absence of the owner, temporarily harbors, shelters, keeps or is in charge of a dog.
- (3) Dangerous Dog.
 - (i) Any dog which, when unprovoked, inflicts bites on a person, domestic pet or animal on public or private property.
 - (ii) Any dog which chases or approaches a person without provocation upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack.
 - (iii) Any dog whose owner or caretaker has, on two (2) separate occasions within a twelve (12) month period, been convicted of violating the ordinance prohibiting dogs running at large.

(iv) A dog with a known propensity, tendency or disposition to attack, to cause injury to or to otherwise threaten the safety of humans or other domestic pets or animals.

(v) Any dog trained, owned or harbored for the purpose of dog fighting.

(4) Vicious Dog.

(i) Any dog that according to the records of the Village Board, has inflicted on a human being any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery without provocation and on public or private property.

(ii) Any dog that has killed a domestic pet or animal without provocation while off the owner's property.

(iii) Any dog that has been previously found to be dangerous, the owner or caretaker having received notice of such, and the dog aggressively bites, attacks or endangers the safety of humans, domestic pets or animals.

(b) Dangerous and Vicious Dogs.

(1) Dangerous Dogs

(i) The owner or caretaker of a dog shall be subject to a penalty if:

a. The dog inflicts unprovoked bites on a person, domestic pet or animal on public or private property.

b. The dog chases or approaches a person without provocation upon the streets, sidewalks or any public grounds in a menacing fashion or apparent attitude of attack.

c. The dog's owner or caretaker, has on two (2) separate occasions within a twelve (12) month period, been convicted of violating the ordinance prohibiting dogs running at large.

(ii) A dog shall not be deemed dangerous if it bites, attacks or menaces any person or animal in order to:

a. Defend its owner, caretaker or another person from an attack by a person or animal.

b. Protect its young or another animal.

c. Defend itself against any person or animal which has tormented, assaulted, or abused it.

d. Defend its owner's or caretaker's property against trespassers.

(c) Vicious Dogs.

(1) Leash and Muzzle. No person owning, harboring or having the care of a vicious dog may permit such dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person competent to govern the animal is in physical control of the leash. The dog may not be leashed to inanimate objects such as trees, posts and building. A vicious dog on a leash outside the dog's kennel shall be muzzled in a humane way by a muzzling device sufficient to prevent the dog from biting persons or other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kennel Club show or upon prior written approval of the Village Board. Such written approval shall be carried by the owner or caretaker.

(2) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel on the premises of the owner or caretaker, except when leashed and muzzled as provided in Subparagraph (1) above. When constructed in an open yard, the pen or kennel shall be childproof from the outside and dog proof from the inside. A strong metal double fence with adequate space between fences at 2 feet must be provided so that a child cannot reach into the dog enclosure. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is

within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulation of the Village. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

(3) Confinement Indoors. No vicious dog may be kept on a porch, patio, or in any part of a house or structure on the premises of the owner or caretaker that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.

(4) Liability Insurance or Surety Bond.

(i) The owner or caretaker of a vicious dog shall present to the Village Clerk proof that the owner or caretaker has procured liability insurance in the amount of at least \$100,000.00, insuring the owner for any personal injuries inflicted by the vicious dog.

(ii) In lieu of the insurance liability requirement under Subparagraph (i) above, the owner or caretaker of a vicious dog may present evidence of a surety bond in the sum of at least \$100,000.00 payable to any person injured by a vicious dog.

(5) Signs. The owner or caretaker of a vicious dog shall, by August 1, 1996, display in prominent places on their premises near all entrances to the premises, signs in letter of not less than 2 inches high warning that there is a vicious dog on the property. A similar sign is required to be posted on the kennel or pen of the dog. In addition, the owner or caretaker shall conspicuously display a sign with a symbol warning children of the presence of a vicious dog.

(6) Notification. The owner or caretaker shall notify the Village Animal Control Officer within 24 hours if a vicious dog is on the loose, is unconfined, has attacked another animal or has attacked a human being, has died, has been sold or has been given away. If the vicious dog has been sold or given away, the owner or caretaker shall also provide the Village

Animal Control Officer with the name, address and telephone number of the new owner of the vicious dog. If the vicious dog is sold or given away to a person residing outside of the Village, the owner or caretaker shall present evidence to the Village Animal Control Officer showing that he or she has notified the police department or other law enforcement agency at the dog's new residence, including the name, address and telephone number of the new owner of the vicious dog.

(7) Determination of a Vicious Dog.

(i) Upon investigation, a law enforcement officer or humane officer may declare a dog vicious. If an owner or caretaker contests the designation of the dog as vicious, the Village Animal Control Officer or his/her designee shall convene a hearing. At the hearing, the owner or caretaker shall have the opportunity to present evidence as to why the dog should not be declared vicious. The hearing shall be held promptly within no less than five (5) days nor more than ten (10) days after service of notice upon the owner or caretaker of the dog.

(ii) Pending the outcome of the hearing, the dog must be securely confined in a humane manner, either on the premises of the owner or caretaker or with a licensed veterinarian. If the owner or caretaker fails to securely confine the dog, a law enforcement officer may seize the dog and impound it in a place designated by the Village Animal Control Officer, pending the outcome of the hearing.

(iii) After the hearing, the owner or caretaker shall be notified in writing of the determination. If a determination is made that the dog is vicious, the owner or caretaker shall comply with this ordinance in accordance with a time schedule established by the Village Animal Control Officer, but in no case more than thirty (30) days after the date of the determination. If the owner or caretaker further contests the determination, he or she may, within five (5) days of the receiving the decision, appeal the decision to the Village Board.

(8) Spay and Neuter Requirement. After a dog has been designated vicious, the owner or caretaker of the dog shall

provide written proof from a licensed veterinarian that the dog has been spayed or neutered.

- (9) Euthanasia. If the owner or caretaker of a dog that has been designated vicious is unwilling or unable to comply with the regulations for keeping the dog in accordance with this ordinance, he or she may have the animal humanely euthanized by an animal shelter, the humane society or licensed veterinarian.
- (10) Inspection. The Village Animal Control Officer may make whatever inquiry is deemed necessary to ensure compliance with this ordinance.
- (11) Destruction.
- (i) Any dog that caused serious injury to a person or persons on two (2) separate occasions off the owner's premises without reasonable cause may be destroyed as a result of judgement rendered by a court of competent jurisdiction, as specified under Section 174.02(3), Wis. Stats.
- (ii) The Village Attorney, at the request of the Village Board, may petition a court of competent jurisdiction to obtain a court order to destroy a dog when the court finds any of the following:
- a. The dog caused great bodily harm to a person.
 - b. The dog has been designated as vicious by the Village Animal Control Officer pursuant to Subparagraph (7) above, and the owner or caretaker of the dog has failed to comply with the provisions specified in Subparagraphs (2), (4) and (8) above, and more than thirty (30) days has elapsed from the date that the owner or caretaker was served with notice that the dog has been declared vicious.
- (12) Exemption. This ordinance does not apply to dogs kept by any law enforcement agency or unit of the United States military service.