

CHAPTER 10 ANIMALS

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10.01 ABATEMENT ORDER; COMPLIANCE.

Any person who fails to comply with an order of abatement as required under s. 173.11(1), Wis. Stats. shall forfeit not less than \$100 nor more than \$500 plus the costs of prosecution for each violation.

(History: Res. 2012-10-05; Res. 2016-06-04)

10.02 ABATEMENT ORDER; REVIEW AUTHORITY.

The chairperson of the Law Enforcement Committee is hereby authorized, pursuant to Wis. Stats. § 173.03(2), to affirm, modify, or withdraw abatement of violation orders issued under Wis. Stats. § 173.11 by any humane officer appointed by the county.

(History: Res. 2012-10-05; Res. 2016-06-04)

10.03 DOMESTIC LIVESTOCK RUNNING AT LARGE.

- (1) No person owning or keeping domestic livestock shall allow such livestock to run at large within the County.
- (2) The owner or keeper of such domestic livestock shall be liable for all damage done by such domestic livestock while at large, even though the livestock escapes without fault of the owner or keeper, except as provided in subsection (6) of this section. The construction and maintenance of a fence shall not relieve such owner or keeper from liability.

- (3) Domestic livestock includes, but is not limited to, cattle, horses, sheep, goats, swine, deer, elk, buffalo, llamas, alpacas, or any other domestic animal normally kept within an enclosure.
- (4) Any domestic livestock running at large may be taken by any law enforcement officer and impounded in a temporary or permanent location and confined in a humane manner.
- (5) Any owner reclaiming an impounded animal shall pay any fees associated with impoundment, including but not limited to, the cost of feed, veterinary bills, trucking/hauling, and/or any other costs incurred.
- (6) The owner or keeper of any domestic livestock running at large as the result of weather or third party actions may be deemed not to be a violation of this ordinance if it is clear that a recent weather event or third party action was the direct cause of the livestock being out of its enclosure and that the owner or keeper had not had a reasonable amount of time to repair or remedy the situation which led to the livestock being out of its enclosure.
- (7) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

10.04 ANIMALS DAMAGING OR DESTROYING PROPERTY.

- (1) **Prohibited.** It shall be unlawful for any animal owner to allow any domesticated animal to run at large and damage, harm, or destroy the property of another person.
- (2) **Penalty.** Any person who violates this section may be required to forfeit not more than \$1,000.00, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

10.05 PROHIBITING ANIMALS RUNNING AT-LARGE.

- (1) It shall be unlawful for any person owning or having possession, charge, custody or control of any animal, including but not limited to domestic, livestock, farm, wildlife or fowl raised in captivity, to permit the animal to stray, run, go or roam at-large in or upon any public street, sidewalk, school grounds, in the area of school vehicles, beaches, parks or on the private property of others without the consent of the owner of such property.
- (2) Any animal found in violation of this Section may be impounded.

- (3) Any person seizing an unrestrained, or animal at large shall capture the animal in a safe and humane manner, and may employ certain humane traps for such purpose.
- (4) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

10.06 HARBORING OR KEEPING BARKING DOGS.

- (1) **Prohibited.** It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps 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 are hereby declared to be a public nuisance.
- (2) **Penalty.**
 - (a) Any person who violates this section may be required to forfeit not more than \$1,000.00, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.
 - (b) Any county deputy or humane officer is authorized, in the enforcement of this section, to impound any dog which has been harbored or kept in violation of this section.

(History: Res. 2016-06-04)

10.07 DOG LICENSE REQUIRED.

- (1) A dog license, issued by the city, village, or town where the dog is kept, is required for the keeping of any dog over five months of age in this county.
- (2) **Penalty.** A dog owner who violates this section shall pay a forfeiture of not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for a subsequent offense, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

10.08 ABANDONMENT OF ANIMALS.

- (1) **Prohibited.** No owner or person in possession of an animal shall abandon such animal.
- (2) An owner or person in possession means an individual or business entity which, immediately prior to its abandonment, had custody of the animal, or obligations for providing care, shelter, food, or medical treatment for the animal.
- (3) An animal is abandoned if it is either:
 - (a) Left upon a highway or other public property, or
 - (b) Left upon the property of another without the consent of the property owner or person in possession of the property, or
 - (c) Left unattended or uncared for upon property owned or occupied by the owner or person in possession of the animal for more than two days.
- (4) **Penalty.**
 - (a) A person who violates this section shall pay a forfeiture of not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for a subsequent offense, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days. Each abandoned animal shall constitute a separate offense.
 - (b) A person who violates this section shall pay a forfeiture of not less than \$50.00 nor more than \$200.00, plus costs of prosecution if the abandoned animal causes damage or injury to the property or domestic animal of another person. In default of payment thereof, the person may be incarcerated in the Trempealeau County jail for not more than 30 days.
 - (c) A person who violates this section shall pay a forfeiture of not less than \$100.00 nor more than \$500.00, plus costs of prosecution if the abandoned animal attacks or causes injury to any person. In default of payment thereof, the person may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2007-05-05; Res. 2016-06-04)

10.09 MISTREATING ANIMALS PROHIBITED.

- (1) **Statute Adopted.** Section 951.02, Wis. Stats., relating to Mistreating Animals is hereby adopted, along with any future amendments, revisions or modifications of the referenced Statute.
- (2) **Prohibited.** No person may treat an animal, whether belonging to the person or another, in a cruel manner.
- (3) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

10.10 SHINING WILD ANIMALS.

- (1) **Definitions.**
 - (a) “Flashlight” means a battery operated light designed to be carried and held by hand.
 - (b) “Light” includes flashlights, automobile lights and other lights.
 - (c) “Peace officer” has the meaning designated under s. 939.22(22), Wis. Stats.
 - (d) “Shining” means the casting of rays of light on a field, forest or other area for the purpose of illuminating, locating or attempting to illuminate or locate wild animals.
- (2) **Presumptions.** A person casting the rays of light on a field, forest or other area which is frequented by wild animals is presumed to be shining wild animals. A person may introduce evidence to rebut his presumption.
- (3) **Shining Wild Animals after 10:00 p.m.**
 - (a) *Prohibition.* From September 15 through December 31, no person may use or possess with intent to use a light for shining wild animals between 10:00 p.m. and 7:00 a.m.
 - (b) *Exceptions.* This section does not apply:
 1. To a peace officer on official business, an employee of the Department of Natural Resources or a person authorized by the

Department of Natural Resources to conduct a game census or to observe bear for educational purposes.

2. To a person who possesses a flashlight or who uses a flashlight at the point of kill while hunting on foot raccoons, foxes or other unprotected animals during the open season for the animals hunted.
3. To a person who possesses a flashlight or who uses a flashlight while on foot and training a dog to track or hunt raccoons, foxes or other unprotected animals.
4. If rules promulgated by the Department of Natural Resources specifically permit a person to use or possess a light for shining wild animals during these times.
5. To owners or tenants of farm land using motor vehicle lights while tilling the soil or harvesting crops, or inspecting or herding domestic animals on their own premises when in fact such domestic animals are in the area.

- (4) **Penalty.** Anyone who violates this section shall pay a forfeiture of not less than \$25.00 nor more than \$100.00 for the first offense and not less than \$50.00 nor more than \$200.00 for a subsequent offense, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

10.11 DISPOSAL OF CARCASSES.

- (1) All dead animals shall be disposed of in a manner pursuant to s. 95.50, Wis. Stats. Animals killed by motor vehicles shall not be included in this section. Animals killed by motor vehicles will be disposed of in a manner outlined by any present contracts for removal in place with the state department of transportation and the county or other arrangements.
- (2) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

10.12 RABIES CONTROL.

(1) **Definitions.** The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

- (a) “Humane officer” means an officer appointed under Wis. Stats. §173.03.
- (b) “Isolation facility” means a humane society shelter, veterinary hospital, municipal pound or other place specified by an officer which is equipped with a pen or cage which isolates the animal from contact with other animals.
- (c) “Officer” means a peace officer, local health officer, as defined in Wis. Stats. §250.01(5), humane officer, warden, an employee designated by the department or other person designated by the county.
- (d) “Owner” means a person who owns, harbors, keeps or controls an animal.
- (e) “Peace officer” means as designated under Wis. Stats. § 939.22 (22).
- (f) “Veterinarian” means as designated under Wis. Stats. § 89.02 (7).
- (g) “Warden” means as designated under Wis. Stats. § 24.01(11).

(2) **Rabies Vaccination Required For Dogs.**

- (a) *Requirement for Vaccination.* Except as provided in Wis. Stats. §174.054 or §95.21(9)(d), the owner of a dog shall have the dog vaccinated against rabies by a veterinarian at no later than five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the County after the dog has reached five months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the County, unless the dog has been vaccinated as evidenced by a current Certificate of Rabies Vaccination from this state or another state. The owner of a dog shall have the dog revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the Certificate of Vaccination or, if no date is specified, within three years after the previous vaccination.
- (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 appropriate State administrative agency stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type

of rabies vaccine 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 city, village or town where the dog is required to be licensed.

- (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, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this subsection do not apply to a dog which is not required to be vaccinated under subsection (1)(a) of this section.
 - (f) *Duplicate Tag.* The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the Certificate of Rabies Vaccination. The veterinarian shall then indicate the new tag number on the Certificate and keep a record in the file.
 - (g) *Cost.* The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a Certificate of rabies vaccination and the delivery of a rabies vaccination tag.
- (3) **District Quarantine.**
- (a) *Dogs Confined.* If a district is quarantined for rabies, all dogs within the district shall be kept securely confined, tied, leashed or muzzled. Any dog 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 County Clerk wholly or partly within the quarantine district

shall promptly post in at least three public places in the County notices of quarantine furnished by the Department for posting.

- (b) *Exemption of Vaccinated Dog from District Quarantine.* A dog which is immunized currently against rabies as evidenced by a valid Certificate of Rabies Vaccination or other evidence is exempt from the district quarantine provisions of subsection (3)(a) of this section if a rabies vaccination tag or substitute tag is attached to the dog's collar.

(4) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**

- (a) *Quarantine or Sacrifice of Dog or Cat.* Except as provided in Wis. Stats. § 95.21(4)(d), 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 or 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.
- (b) *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. Except as provided in Wis. Stats. §95.36, if an animal of a species raised primarily to produce food for human consumption is killed under this subsection, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under Wis. Stats. §95.31(3). If the decision is made by an officer, the indemnity shall be paid from the dog license fund.
- (c) *Sacrifice of a Dog or Cat.* An officer may order killed or may kill a dog or cat if the owner of the dog or cat violates subsection (5)(a), (5)(b) or (5)(c) of this section.

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

- (a) *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 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.
- (b) *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 days after the incident occurred. In this subsection, the term "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one 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.

(c) *Risk to Animal Health.*

1. 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 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal, unless the animal is exempt from the requirement to be vaccinated against rabies under Wis. Stats. § 95.21(9)(d).
2. 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 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

(d) *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 order 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.

- (6) **Penalty.** Whoever violates this section may be made to forfeit not more than \$1,000, plus costs of prosecution and in default of payment thereof, may be incarcerated in the Trempealeau County jail for not more than 30 days.

(History: Res. 2016-06-04)

10.13 MAXIMUM AMOUNT ALLOWED FOR CLAIMS FOR DAMAGES BY DOGS TO CERTAIN DOMESTIC ANIMALS.

The maximum amount under sec. 174.11, Wis. Stats., that may be allowed for a claim for damages by dogs to domestic animals, as defined in sec. 174.001, Wis. Stats., due to injury or death, shall be limited to \$500 per domestic animal, up to a total of \$3,000 for all claims arising out of an occurrence upon which the claims are made. If multiple owners are affected by one occurrence of injury or death to domestic animals, then the total of all such claims shall be limited to \$5,000 and payments prorated among the owners based on the fair market value of their loss and total costs due to the injuries. As required by sec. 174.11(4), Wis. Stats., no claim may exceed the fair market value of the animal. As provided in sec. 174.11(3), Wis. Stats., the payment of claims is limited to the funds available in the County's dog license fund.

(History: Res. 2007-02-05; Res. 2016-06-04)