

CHAPTER 10

Animal Control and Welfare

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10.01 Purpose and Intent. This ordinance is created for the purpose of:

1. Establishing and enforcing an effective rabies control program within Vilas County; and
2. Creating an effective and efficient manner of enforcing laws relating to the control and welfare of dogs and other domestic and exotic pets.

10.02 State Laws Adopted – Authority. The County Board’s authority for adopting this Ordinance is SS 59.54(6), 95.2, 173.03, and Chapter 174 of the Wisconsin Statutes. These statutes are hereby incorporated

herein by reference as published in the most recent revision of the Wisconsin Statutes. Any amendments which are from time to time made in the Statutes shall automatically be made in this Ordinance.

10.03 Application. No provision of this Ordinance shall apply to the City of Eagle River or in any town or village within Vilas County that has enacted a more restrictive animal control ordinance.

10.04 Definitions. Words or phrases, unless specifically defined herein, shall be interpreted as having the same meaning as they have in Wisconsin Statutes and Wisconsin Administrative Code. As used in this Chapter, the following terms mean:

(1) *Animal* means every living: (a) warm-blooded creature, except a human being; (b) reptile or (c) amphibian.

(2) *Animal Control Officer* means any person designated by a town or city government agency to enforce the adopted ordinances of the town, county or state statutes, as they pertain to animal control, except authority restricted to the Vilas County Humane Officer.

(3) *Animal Shelter* means a facility that is operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of an animal, that is used to shelter at least 25 dogs in a year, and that is operated by a humane society, animal welfare society, animal rescue group or other nonprofit group.

(4) *Bite* means the puncture or tear of the skin inflicted by the teeth or claws of an animal.

(5) *Confined* means the restriction of an animal at all times by the owner or agent of the owner to an escape proof building, vehicle or other enclosure.

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

(7) *DATCP* means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

(8) *Domestic Animal* means any animal, which normally can be considered tame and converted

to home life or livestock and includes livestock, dog, cats and ferrets.

(9) *Dwelling Unit*, for the purposes of Chapter 10 exclusively, means a building or portion thereof, designated or used exclusively for residential purposes.

(10) *Household Pet* includes dogs, cats, birds and any other animal ordinarily kept as household pets.

(11) *Health Officer* means the person or duly designated representative of such person authorized by Vilas County to enforce public health laws and implement public health program activities.

(12) *Humane Officer* means the person appointed by the Vilas County Board of Supervisors to be responsible for investigating animal related crimes and for enforcing § 95.21 and Chapters 173, 174 and 951 of the Wisconsin Statutes and this Ordinance.

(13) *Kennel or Cattery* means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling of dogs or cats.

(14) *Licensing Authority* means the municipal treasurer or its delegated collecting agent.

(15) *Owner* means any person who owns, harbors, or keeps a domestic animal or owns or keeps any animal. Where a family keeps an animal, all adult members of the household shall be responsible for the requirement of this Ordinance. Any animals shall be deemed to be harbored if it is fed and/or sheltered.

(16) *Provocation of an animal* means an action to incite or stimulate an animal into an aggressive response.

(17) *Quarantine or Isolation Facility* means a humane society, shelter, veterinary hospital, municipal pound, which is equipped with a pen or a cage which isolates one animal from contact with other animals.

(18) *Running at Large* means any domestic animal not under the control of the owner or the owner's designee or not having the animal within the real property limits of the owner.

(19) *Service Animal* means any dog that is individually trained to do work or performs tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Service animals are required to be leashed or harnessed

except when performing work or task where such tethering would interfere with the dog's ability to perform.

(20) *Veterinarian* means a person who is currently licensed in the State of Wisconsin to practice veterinary medicine.

(21) *Veterinary Hospital/Clinic* means any establishment maintained and operated by a licensed veterinarian, for preventive medicine, surgery, diagnosis and treatment of disease and injury of animals.

(22) *Vicious animal* means any animal that, when unprovoked, inflicts bites or injuries, kills or attacks a human being or domestic animal on either public or private property.

EXCEPTIONS: Vicious animal does not apply to (a) any dog used by the Vilas County Sheriff's Office while being utilized for law enforcement purposes while under the control and direction of a law enforcement officer; (b) any injury or damage sustained by a person who was entering the owner's property to commit a burglary, robbery, assault, willful trespass or other crime; and (c) injury or damage sustained by a person who was teasing, tormenting, abusing, assaulting or otherwise provoking the animal; and (d) no dog shall be declared vicious solely because it bites or attacks a person assaulting its owner, excluding a police officer attempting to subdue or effect the arrest of a suspect.

(23) *Wild or Exotic Animal* means any indigenous or imported animal, which now or historically, has been found in the wild. It includes any animal which, because of inherent qualities including but not limited to size, geographic origin, vicious tendencies, dangerousness or other characteristics is not domesticated and not normally kept as household pets.

10.05 Administration and Enforcement.

1. This Ordinance shall be administered jointly by the Vilas County Sheriff's Office, the Vilas County Public Health Department, the Vilas County Humane Officer and the Vilas County Public Health Board.

2. Enforcement: This Ordinance may be enforced by the issuance of citations by the Vilas County Sheriff's Office, the Vilas County Health Officer and the Vilas County Humane

Officer. The Corporation Counsel shall prosecute all violations of this Ordinance and may file actions for injunctive relief and shall advise the agencies entrusted with administration of this Ordinance on legal matters pertaining to this Ordinance.

10.06 Program Expenditures Supported by License Fees.

1. Dog License Taxes: The dog license taxes paid to the County Treasurer shall be kept in a separate account and shall be known as the “Dog License Fund”, which shall be appropriated and disbursed for the purposes and in the manner following:

(a) The County Treasurer shall pay to the State Treasury five percent (5%) of the minimum tax provided for under section 174.05(2), Wisconsin Statutes, of all dog license taxes.

(b) Expenses necessarily incurred by the County in purchasing books, forms and other supplies required in the administering of the dog license law.

(c) Expenses incurred by the County under Wis. Stat. §95.21(4)(b) and (8).

2. Claims: Any amount remaining in the fund after deducting the above expenses shall be made available for and may be used as far as necessary for paying claims allowed by the County to the owners of domestic animals, for damages done by dogs during the license year for which taxes were paid. These claims are limited to One Thousand Dollars (\$1,000.00) per incident. In addition, no claims shall be paid to any person who has failed to obtain a license for a dog that is required to be licensed.

3. Surplus Funds: Any amounts left in the “Dog License Fund” after the payment of claims shall be distributed to the Town’s pursuant to the mandates of Wis. Stat. §174.06, §174.07 and §174.09, and pursuant to any amendments thereto.

10.07 Dog License Tax.

1. The owner of a dog more than five (5) months of age on January 1st 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 shall pay the dog license tax and obtain a dog license. Any license-

eligible dog obtained during the license period or brought into the County must be licensed within thirty (30) days of obtaining the animal or bringing the animal into the County. Dogs specially trained for blind, deaf and mobility-trained persons are exempt from this tax and shall annually receive a free dog license from the local collecting agent upon application.

2. Effective January 1, 2013, the minimum dog license tax is \$5.00 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$10.00 for an unneutered male dog or unspayed female dog, or one-half of these amounts if the dog became 5 months of age after July 1st of the license year.

3. The license year commences on January 1st and ends on the following December 31st. Proof of current rabies vaccination in the form of a signed certificate from a licensed veterinarian or a copy thereof shall be presented at the time of licensing to the city or town treasurer or clerk issuing the license pursuant to §174.05 and §174.07, Wisconsin Statutes. The licensing person shall prepare a report to the County Clerk as prescribed in §174.08, Wisconsin Statutes.

4. Multiple Dog license: Any person who keeps more than one dog may, instead of the license tax required by this Chapter, apply to the collecting official for a multiple dog license for the keeping of the dogs. Such person shall pay for the license year a license tax of \$35.00 for 12 or fewer dogs and an additional \$3.00 for each dog in excess of 12. Upon payment of the required multiple dog license tax and upon presentation of evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue the multiple dog license and a number of tags equal to the number of dogs authorized to be kept by the person.

5. Dog License Tag: After issuing the license and collecting the associated fee(s) the official shall deliver to the owner 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.

6. Dog License Tags to be Attached to Collar: The owner shall securely attach the tag to a collar and a collar with the tag attached shall

be kept on the dog for which the license is issued at all times but this requirement does not apply to a dog during competition or training, to a dog securely confined indoors, to a dog while hunting, to a dog securely confined to 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.

7. Duplicate Dog License Tags: A new tag with a new number shall be furnished to the owner by collecting official in place of the original tag upon presentation of the license. The collecting official shall then endorse the new tag number on the license and shall keep a record on file.

10.08 County Rabies Control Program.

1. The County hereby adopts the State Rabies Control Program and the provisions of §95.21, Wis. Stats.

2. Initial Rabies Vaccination: The owner of a dog shall have the animal vaccinated for rabies by a licensed veterinarian by five (5) months of age and the dog must receive a booster vaccination within one year of the initial vaccination. An owner, who imports a dog into Vilas County that has reached five (5) months of age, must have the dog vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state.

3. Re-Vaccination: The owner of a dog shall have the animal re-vaccinated before the date that the immunization expires, as stated on the certificate. Vilas County recognizes immunizations of up to three years, if such a vaccine is administered. If no expiration date is specified on the certificate, the animal must be revaccinated within one (1) year of the previous vaccination.

4. Rabies Vaccination Tag: After issuing the certificate of rabies vaccination, the person who administers the vaccine under §95.21(2)(a), Wisconsin Statutes, 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 supervising veterinarian.

5. Rabies Vaccination 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 in 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 durable material and contain the same information as the rabies vaccination tag.

6. Duplicate Rabies Vaccination Tag: The person who administers the vaccine under §95.21(2)(a), Wisconsin Statutes 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 person, who administers the vaccine under §95.21(2)(a), Wisconsin Statutes, shall then indicate the new tag number on the certificate and keep a record in the file.

10.09 Animal Bite, Reporting and Quarantine Protocol.

1. Health care providers, attending physicians, and attending veterinarians are required to report all incidents of suspected and/or confirmed animal bites on persons in Vilas County within twenty-four (24) hours to the appropriate law enforcement agency. This includes bites occurring to the owner or immediate family. In the case that no health care providers, physicians, or veterinarians are contacted, the owner is responsible for reporting the incident within twenty-four (24) hours.

2. Quarantine of an animal is mandated if the animal is suspected of biting a person or being infected or exposed to rabies. The Vilas County Humane Officer, a law enforcement officer, or the Vilas County Health Officer, or their designee shall order the animal quarantined if the official has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal.

(a) If the law enforcement officer deems it necessary to kill the animal, the animal shall be killed in a safe manner which avoids damage to the animal's head. The law enforcement officer or designee will deliver the head to a licensed veterinarian, who will then submit the same to the Wisconsin State Lab of Hygiene for rabies testing.

(b) An animal other than a dog or cat may be killed if the officer has reason to believe that the animal bit a person or is infected with rabies.

3. Quarantine process.

(a) Delivery to isolation facility or quarantine on premises of owner: If an animal is currently immunized against rabies and has evidence of a valid certificate of rabies vaccination, it may be quarantined at the dwelling of the owner but must follow quarantine procedures. If there is no evidence that the animal is currently immunized and/or doesn't have evidence of a valid rabies vaccination, this animal must be delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued by the law enforcement officer and complete all rabies quarantine procedures at said facility.

(b) Health risk to humans: If a dog, cat or ferret 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 10 days after the incident occurred. "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 the veterinarian certifies that the dog 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: If a dog, cat or ferret is ordered to be quarantined because there is a 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.

(d) Sacrifice of a dog, cat or ferret 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 Health Officer or Humane Officer who ordered the animal quarantined and

the veterinarian shall kill the animal in a humane manner which avoids damage to the animal's head and submit the head to the Wisconsin State Lab of Hygiene for rabies testing. If the dog or cat is suspected to have bitten a person the Health Officer shall notify the person or the person's physician.

4. The owner of any animal involved in a bite incident is responsible for all expenses incurred in connection with the quarantine, including but not limited to 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, including shipping.

5. Failure of the owner to deliver an animal to a veterinarian or place quarantine as directed within twenty-four (24) hours shall be grounds for a judge to issue an order authorizing the animal responsible agency to seize said animal and make such delivery as intended at the owner's expense.

6. Any law enforcement officer, the Health Officer or Humane Officer with reasonable cause to believe an animal has bitten, or is suspected to have bitten a person or has been bitten by another animal, shall issue a quarantine order. A quarantine order may be delivered by personal service, registered mail (with a minimum verbal notice prior, to insure notification of animal examined or quarantined within 24 hours of the incident) or by posting a quarantine sign in a minimum of two (2) conspicuous places on the property.

7. An animal owner aggrieved by such quarantine may, within thirty (30) days, petition the Vilas County Board of Health. The Board shall conduct a hearing within ten (10) days after receiving the petition to determine if the quarantine shall remain in effect or be withdrawn. The hearing shall be conducted pursuant to the procedures outlined in Chapter 227 of the Wisconsin Statutes.

10.10 Running at Large and Untagged Dogs

1. A dog is considered running at large if it is off the premises of its owner and not under the control of the owner or some other person, except for the following: service dogs while performing their duties; dogs participating in

field or obedience trials or exhibitions, dogs assisting their owner or handler in lawful hunting or herding of livestock and dogs assisting law enforcement officer engaged in lawful enforcement activities.

2. A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors unless the dog is securely confined in a fenced area.

3. Dogs Running at Large or Untagged Dog Subject to Impoundment:

(a) Each municipal shall be responsible for the delivery of any dog found within their municipal boundaries to a shelter or other appropriate facility for impoundment.

(b) A designated town official shall attempt to capture and restrain any dog running at large and any untagged dog and shall then deliver the dog to an animal shelter or other site as designated by the municipality.

10.12 Impoundment.

1. Animals at large shall be referred to the local town or city animal control officer and impounded in a temporary or permanent animal shelter and confined in a humane manner. Animals shall be inspected for name tags, license tags, or evidence of imbedded chips.

2. When the owner of a dog at large cannot be contacted at the time of the complaint, the dog may be impounded by the local town or city animal control officer. After impoundment, reasonable attempts shall be made to contact the owner.

3. An owner reclaiming an impounded animal shall pay the accrued impoundment and boarding fees and comply with the license and vaccination requirements of this Ordinance.

4. If an animal has not been reclaimed by its owner within seven (7) days after the day upon which the owner received demand from the local municipality or impoundment facility to claim the animal and pay for its custody, care and treatment, the animal is considered an unclaimed animal under Wis. Stats. §173.23(1m). Unclaimed animals shall be dealt with pursuant to the options set forth in Wis. Stat. §173.23(1m).

10.13 Vicious Animals.

1. Declaration of a Vicious Animal: The Humane Officer or any law enforcement officer, after conducting an investigation into the circumstances surrounding an attack by an animal, is hereby empowered to declare an owned animal in question vicious. The owner of the animal shall be served personally or by certified mail with return receipt requested, with an order declaring the animal vicious. Any owner aggrieved by said order may petition to the Vilas County Board of Health for review of the order. Upon receipt of the petition, the Board shall schedule and conduct a hearing in conformance with Wisconsin Statutes, Chapter 227. After the hearing, the owner shall be notified in writing of the determination. If the owner or caretaker of the animal contests the determination, he/she may (within 30 days) seek review of the decision by the circuit court.

2. When an animal has been declared vicious and has not been ordered destroyed pursuant to §174.02(3) of the Wisconsin Statutes, the owner shall comply with the following:

(a) animal must be confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping; and

(b) any conditions established by the Humane Officer or law enforcement officer.

3. While off the owner's premises, the vicious animal must be muzzled and restrained by a suitable chain or leash not exceeding four (4) feet in length and under the control of the owner or keeper. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but must prevent it from biting any person or animal.

4. All owners of vicious animals shall display, in prominent places on their premises, near all entrances to the premises, signs in letters of not less than 2 inches high using the words "Warning – Vicious Animal." A similar sign is required to be posted on the kennel or pen of the animal.

5. No person shall sell or transfer possession of a "vicious animal" to another person without first notifying the person to whom the "vicious animal" is being sold or transferred of the fact

that the animal has been deemed a “vicious animal.”

6. Tampering with Signs: Anyone tampering with signs posted pursuant to this section shall be subject to forfeiture.

7. Court Order to Destroy Animal. Any animal that has caused serious or fatal injury to a person or domestic animal on two separate occasions without reasonable cause, may be destroyed as a result of judgment rendered by a court of competent jurisdiction, as specified under §174.02(3) of the Wisconsin Statutes. The animal’s owner shall be responsible for costs of destruction.

10.14 Animal Care and Neglect. This section incorporates the provisions of Chapter 951 of the Wisconsin Statutes. The Sheriff’s Office and/or the County Humane Officer will investigate crimes against animals.

1. No person may abandon or abuse any animal. Any law enforcement officer or humane 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.

2. If the owner or custodian of an animal under this section is unknown and cannot, with reasonable effort, be ascertained, the animal may be treated as a stray/unclaimed under Wis. Stats. §173.23.

10.16 Dead Animal Disposal. Animal owners must dispose of carcasses in a timely manner so as to prevent odors and attraction of flies and any other health or sanitary risks. No person who owns or controls a carcass, or who owns or controls land on which a carcass is located, may leave the carcass exposed to access by dogs or wild animals for more than 24 hours during the months of April to November or for more than 48 hours during the months of December to

March if the person knows or reasonably should know that the carcass is exposed.

10.17 Exotic Animals. Any wild or exotic animal kept in the County of Vilas shall meet all applicable State, Federal and/or town/city permitting and licensing requirements and shall be contained in a pen or enclosure of proper size and strength as to prohibit the animals escape.

10.20 Vilas County Humane Officer.

1. AUTHORITY. It is within the authority of the Vilas County Humane Officer as well as the Vilas County Sheriff’s Office to enforce the animal welfare provisions of this Chapter. Humane Officers and sworn law enforcement officers within the County shall have authority to issue citations for violations of this Chapter. The Humane Officer shall have all the powers and duties as set forth in Wis. Stat. §173.07.

2. JURISDICTION. Pursuant to Wis. Stat. §173.03(3), the animal laws within this Chapter shall apply throughout Vilas County other than within the boundaries of any City or Village whose governing body adopts a Resolution withdrawing from Vilas County enforcement of humane laws and transmits a copy of the Resolution to Vilas County.

3. ISSUANCE OF ABATEMENT ORDER. If a Vilas County humane officer appointed by the Vilas County Board of Supervisors or a law enforcement officer employed by Vilas County after investigation has reasonable grounds to believe that a violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to named persons. The Public Health Board or the Public Health Board’s designee, as the official empowered to modify or withdraw Abatement Orders, may not participate in the decision to issue the Order or in any activity leading to that decision.

(a) Content of Order. An Abatement Order issued under Subsection (3), above, shall contain all of the following:

- (i)** The name and address of the person to whom directed;
- (ii)** The statute or ordinance alleged to be violated;

(iii) A prohibition on further violations;

(iv) A description of measures necessary to correct the alleged violation;

(v) A description of the hearing and appeal provisions under section 9.30(3)(b) and (c).

(b) Hearing. Any person named in an Abatement Order issued under Subsection (3) may within the ten-day period following service of the Order request a hearing before the Public Health Board or the Public Health Board's designee by filing a request for a hearing with the Public Health Department. The hearing shall be held within ten (10) days after the request is made unless the requester agrees to a later date. The hearing shall be informal in nature.

(c) Decision. Within ten (10) days after a hearing under Subsection (3), above, the Public Health Board or the Public Health Board's designee who conducts the hearing shall affirm the Order, modify and affirm the Order, or withdraw the Order.

(d) Appeal. Any person adversely affected by a decision under Subsection 3(c), above, may seek judicial review by commencing an action in Circuit Court within thirty (30) days after the day that the decision is issued.

penalty as follows, unless otherwise set forth in this Chapter. \$25.00 forfeiture for first offense of any provision of this Chapter, \$50.00 forfeiture for second offense and \$75.00 forfeiture of third offense and any subsequent offense. Penalties do not include court costs or assessment fees.

10.21 Roles of Vilas County Municipalities.

1. Vilas County towns and cities shall annually provide the County Clerk with the contact information of the designated constable/animal control officer or dog catcher, and whether the town or city operates its own shelter facility or contracts with a licensed shelter facility.

2. Issues involving the control and supervision of animals in Vilas County shall be the primary responsibility of the town, village or city in which they occur.

10.22 Penalties. Any person, firm, corporation or entity found to be in violation of any provision of this Chapter shall be subject to a