

ORDINANCE NO. 2016-03

AN ORDINANCE TO REPEAL AND RECREATE TITLE 7, CHAPTER 1 OF THE MUNICIPAL CODE OF THE VILLAGE OF COBB, IOWA COUNTY, WISCONSIN, RELATING TO THE LICENSING OF DOGS AND CATS AND REGULATION OF ANIMALS.

THE VILLAGE BOARD OF THE VILLAGE OF COBB, IOWA COUNTY, WISCONSIN, DO HEREBY ORDAIN AS FOLLOWS:

Section I: Title 7, Chapter 1 of the Municipal Code of the Village of Cobb shall be and hereby is repealed and recreated to read as follows:

“CHAPTER 1

Licensing and Regulation of Animals

- 7-1-1 Dog Licenses Required; Definitions
- 7-1-2 Rabies Vaccination Required for License
- 7-1-3 Issuance of Dog Licenses
- 7-1-4 Late Fees
- 7-1-5 Rabies Quarantine
- 7-1-6 Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals
- 7-1-7 Impoundment of Animals; Animal Warden
- 7-1-8 Duty of Owner in Cases of Dog or Cat Bite
- 7-1-9 Animal Feces
- 7-1-10 Injury to Property by Animals
- 7-1-11 Barking Dogs or Crying Cats
- 7-1-12 Prohibited and Protected Animals, Fowl, Reptiles and Insects
- 7-1-13 Sale of Rabbits, Chicks or Artificially Colored Animals
- 7-1-14 Providing Proper Food and Drink to Confined Animals
- 7-1-15 Providing Proper Shelter
- 7-1-16 Neglected or Abandoned Animals
- 7-1-17 Cruelty to Animals and Birds Prohibited
- 7-1-18 Limitation on Number of Dogs and Rabbit Hutches
- 7-1-19 Trapping of Animals
- 7-1-20 Penalties

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

- (a) **License Required.** It shall be unlawful for any person in the Village of Cobb to own, harbor or keep any dog for more than five (5) months of age after July 1 of the license year without complying with the provisions of this Chapter relating to the listing, licensing and tagging of the same.
- (b) **Definitions.** In this Chapter, unless the context or subject matter otherwise require:
 - (1) "Owner" shall mean any person owning, harboring or keeping a dog or cat and the

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

- (a) **Rabies Vaccination.** The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within thirty (30) days after the dog reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or brings the dog into the Village of Cobb 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 two (2) years after the previous vaccination. The certificate of vaccination shall meet the requirements of Sec. 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 the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services and the Village.
- (c) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog is 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 certificate of rabies vaccination and the delivery of a rabies vaccination tag.

SEC. 7-1-3 ISSUANCE OF DOG LICENSES.

- (a) **Dog Licenses.**
 - (1) It shall be unlawful for any person in the Village of Cobb to own, harbor or keep any dog more than five (5) months of age without complying with the provisions of Sec. 174.05 through Sec. 174.10, Wisconsin Statutes, relating to the listing, licensing and tagging of the same.
 - (2) The owner of any dog more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay a license tax and obtain a license.
 - (3) The minimum license tax under this Section shall be Three Dollars (\$3.00) for spayed females or neutered males. The minimum fee for unspayed or unneutered animals shall be Eight Dollars (\$8.00). The license year shall commence January 1 and end December 31.
 - (4) Upon payment of the required license tax and upon presentation of evidence that the dog is currently immunized against rabies, as required by Section 7-1-2 of this Chapter, the Village Clerk-Treasurer shall complete and issue to the owner a license for such dog containing all information required by state law. The Village Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year.
 - (5) The owner shall securely attach the tag to a collar and the collar with the tag attached shall be kept on the dog for which the license is issued at all times, except as provided in Section 7-1-2(e).
 - (6) The fact that a dog is without a tag attached to the dog by means of a collar shall be presumptive evidence that the dog is unlicensed. Any law enforcement or

humane officer shall seize, impound or restrain any dog for which a dog license is required which is found without such tag attached.

- (7) Notwithstanding the foregoing, every dog specifically trained to lead blind or deaf persons is exempt from the dog license tax, and every person owning such a dog shall receive annually a free dog license from the Village Clerk-Treasurer upon application therefore.

State Law Reference: Sec. 174.053, Wis. Stats.

SEC. 7-1-4 LATE FEES.

The Village Clerk-Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a dog five (5) months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age. Said late fee shall be charged in addition to the required license fee.

SEC. 7-1-5 RABIES QUARANTINE.

- (a) **Dogs and Cats Confined.** If a district is quarantined for rabies, all dogs and cats within the Village shall be kept securely confined, tied, leashed or muzzled. Any dog or cat not confined, tied, leashed or muzzled is declared a public nuisance and may be impounded. All officers shall cooperate in the enforcement of the quarantine. The Village Clerk-Treasurer shall promptly post in at least three (3) public places in the Village notices of quarantine.
- (b) **Exemption of Vaccinated Dog or Cat from Village Quarantine.** A dog or cat which is immunized currently against rabies, as evidenced by a valid certificate of rabies vaccination or other evidence, is exempt from the Village quarantine provisions of Subsection (a) if a rabies vaccination tag or substitute tag is attached to the dog's or cat's collar.
- (c) **Quarantine or Sacrifice of an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.**
 - (1) Quarantine or sacrifice of dog or cat. An officer or animal warden shall order a dog or cat quarantined if the officer has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the dog or cat cannot be captured, the officer may kill the animal. The officer shall attempt to kill the animal in a humane manner and in a manner 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 or animal warden who orders a dog or cat to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility as soon as possible but no later than twenty-four (24) hours after the original order is issued or the officer

may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

- (2) Health risk to humans. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal bit a person, the custodian of an isolation facility or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least ten (10) days after the incident occurred. In this paragraph, "supervision of a veterinarian" includes, at a minimum, examination of the animal on the first day of isolation, on the last day of isolation and on one (1) intervening day. If the observation period is not extended and if the veterinarian certifies that the dog or cat has not exhibited any signs of rabies, the animal may be released from quarantine at the end of the observation period.
- (3) Risk to animal health.
 - a. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for one hundred eighty (180) days. The owner shall have the animal vaccinated against rabies between one hundred fifty-five (155) and one hundred sixty-five (165) days after the exposure to a rabid animal.
 - b. If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but if the dog or cat is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for sixty (60) days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.
- (4) Destruction of a dog or cat exhibiting symptoms of rabies. If a veterinarian determines that a dog or cat exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the dog or cat is suspected to have bitten a person, the veterinarian shall notify the person or the person's physician.
- (e) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian or local health department. The veterinarian or local health department shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk or exposure to any rabies virus. The Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the Village, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or the person's physician.
- (f) **Cooperation of Veterinarian.** Any practicing veterinarian who is requested to be involved in the rabies control program by an officer is encouraged to cooperate in a

professional capacity with the Village, the Laboratory of Hygiene, the local health department, the officer involved and, if the animal is suspected to have bitten a person, the person's physician.

- (g) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. If the owner is unknown, the county is responsible for these expenses.

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

- (a) **Restrictions.** It shall be unlawful for any person within the Village of Cobb to own, harbor or keep any dog or cat which:
- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
 - (2) Assaults or attacks any person or destroys property.
 - (3) Is at large within the limits of the Village.
 - (4) Habitually barks or howls to the annoyance of any person or persons. (See Section 7-1-11.)
 - (5) Kills, wounds or worries any domestic animal.
 - (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
 - (7) In the case of a dog, is unlicensed.
- (b) **Vicious Dogs and Animals.**
- (1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over sixteen (16) years of age. For purposes of enforcing this Section, a dog shall be deemed as being of a vicious disposition if, within any twelve (12) month period it bites two (2) or more persons or inflicts serious injury to one (1) person in unprovoked circumstances off the owner's premises.
 - (2) No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.
- (c) **Animals Running at Large.**
- (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 a 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 or animal warden.
 - (2) A dog or cat shall not be considered to be running at large if it is on a leash not to exceed ten (10) feet in length and under control of a person physically able to control it when the animal is off of the owner's premises.
- (d) **Owner's Liability for Damage Caused by Dogs; Penalties.** The provisions of Sec.

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

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

(a) **Animal Control Agency.**

- (1) The Village of Cobb may contract with or enter into an agreement with such person, persons, organization or corporation to provide for the operation of an animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impoundment animals and for assisting in the administration of rabies vaccination programs.
- (2) The Village of Cobb does hereby delegate to any such animal control agency the authority to act pursuant to the provisions of this Section.

(b) **Impounding of Animals.** In addition to any penalty hereinafter provided for a violation of this Chapter, a law enforcement or animal control officer may impound any dog, cat or other animal which habitually pursues any vehicle upon any street, alley or highway of this Village, assaults or attacks any person, is at large within the Village, habitually barks, cries or howls, kills, wounds or worries any domestic animal or is infected with rabies. In order for an animal to be impounded, the impounding officer must see or hear the violation of this Section or have in his possession a signed statement of a complaining witness made under oath alleging the facts regarding the violation and containing an agreement to reimburse the Village for any damages it sustains for improper or illegal seizure.

(c) **Claiming Animal; Disposal of Unclaimed Animals.** After seizure of animals under this Section by a law enforcement or animal control officer, the animal shall be impounded. The officer shall notify the owner, personally or through the U.S. Mail, if such owner be known to the officer or can be ascertained with reasonable effort, but if such owner be unknown or unascertainable, the officer shall post written notice in three (3) public places in the Village, giving a description of the animal, stating where it is impounded and the conditions for its release, after the officer or warden has taken such animal into his possession. If within seven (7) days after such notice the owner does not claim such animal, the officer may dispose of the animal in a proper and humane manner; provided, if an animal before being impounded has bitten a person, the animal shall be retained in the Animal Shelter for ten (10) days for observation purposes. Within such times, the owner may reclaim the animal upon payment of impoundment fees, such fees to be established by resolution of the Village Board. No animal shall be released from the pound without being properly licensed if so required by state law or Village Ordinance.

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

(e) **Village Not Liable for Impounding Animals.** The Village and/or its animal control agency shall not be liable for the death of any animal which has been impounded or disposed of pursuant to this Section.

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

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

SEC. 7-1-9 ANIMAL FECES.

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

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

7-1-105 LICENSING AND REGULATION OF CATS

- (a) **License Required.** It shall be unlawful for any person in the Village of Cobb to own, harbor or keep any cat more than five (5) months of age after July 1 of the license year without complying with the provisions of this Ordinance relating to the listing, licensing and tagging of the same.
- (b) **Rabies Vaccination.** The owner of a cat shall have the cat vaccinated against rabies by a veterinarian within thirty (30) days after the cat reaches four (4) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the cat or brings the cat into the Village of Cobb after the cat has reached four (4) months of age, the owner shall have the cat vaccinated against rabies within thirty (30) days after the cat is brought into the village unless the cat has been vaccinated as evidenced by a current certificate of rabies vaccination. The owner of a cat shall have the cat 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 two (2) years after the previous vaccination.
- (c) **Cat License Fee.** The owner of any cat more than five (5) months of age on January 1 of any year, or five (5) months of age within the license year, shall annually, or on or before the date the cat becomes five (5) months of age, pay a license tax and obtain a license per the following:

The minimum license tax under this Section shall be Three Dollars (\$3.00) for spayed females and neutered males. The minimum fee for unspayed or unneutered cats shall be Eight Dollars (\$8.00). The license year shall commence January 1 and end December 31.

- (d) **Cat License Tag.** Upon payment of the required license tax and upon presentation of evidence that the cat is currently immunized against rabies, the Village Clerk-Treasurer

shall complete and issue to the owner a license for such cat containing all information required by this ordinance. The Village Clerk-Treasurer shall also deliver to the owner, at the time of issuance of the license, a tag of durable material bearing the same serial number as the license, the name of the county in which issued and the license year. The owner shall attach the tag to a collar and the collar with the tag attached shall be kept on the cat for which the license is issued at all times.

- (e) **Untagged Cats.** The fact that a cat is without a tag attached to the cat by means of a collar shall be presumptive evidence that the cat is unlicensed. Any law enforcement or humane officer shall seize, impound or restrain any cat for which a cat license is required which is found without such tag attached.
- (f) **Late Fees.** The Village Clerk-Treasurer shall assess and collect a late fee of Five Dollars (\$5.00) from every owner of a cat 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 cat or if owner failed to obtain a license on or before the cat reached licensable age. Said late fee shall be charged in addition to the required license fee.

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

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

SEC. 7-1-12 PROHIBITED AND PROTECTED ANIMALS, FOWL, REPTILES AND INSECTS.

(a) Protected Animals.

- (1) Possession and Sale of Protected Animals. It shall be unlawful for any person, firm or corporation to possess with intent to sell or offer for sale, or buy or attempt to buy, within the Village any of the following animals, alive or dead, or any part or product thereof: all wild cats of the family felidae, polar bear, (thalarctos maritimus), red wolf (canis niger), vicuna (vicugna vicugna), gray or timber wolf (canis lupus), sea otter (enhydra lutris), Pacific ridley turtle (lepidochelys olivacea), Atlantic green turtle (chelonina mydas), Mexican ridley turtle (lepidochelys kemp).
- (2) Compliance with Federal Regulations. It shall be unlawful for any person, firm or corporation to buy, sell or offer for sale a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress).
- (3) Regulating the Importation of Certain Birds. No person, firm or corporation shall

import or cause to be imported into this Village any part of the plumage, skin or dead body of any species of hawk, owl or eagle. This paragraph shall not be construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by the American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

(b) **Exceptions.** The provisions of Subsection (a) above shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, or by a person holding a Scientific Collectors Permit issued by the Secretary of the Department of Natural Resources of the state, or to any person or organization licensed to present a circus.

(c) **Wild Animals; Prohibition on Keeping.** It shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any poisonous reptile or any other dangerous or carnivorous wild animal, insect or reptile, any vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious or dangerous propensities. Specifically, it shall be unlawful for any person to keep, maintain or have in his possession or under his control within the Village any of the following animals, reptiles or insects:

- (1) All poisonous animals and reptiles including rear-fang snakes.
- (2) Apes: Chimpanzees (Pan); gibbons (Hylobates); gorillas (Gorilla); orangutans (Pongo); and siamangs (Symphalangus).
- (3) Baboons (Papio, Mandrillus).
- (4) Bears (Ursidae).
- (5) Bison (Bison).
- (6) Cheetahs (Acinonyx jubatus).
- (7) Crocodilians (Crocodilia), thirty (30) inches in length or more.
- (8) Constrictor snakes.
- (9) Coyotes (Canis latrans).
- (10) Deer (Cervidae); includes all members of the deer family; for example, whitetailed deer, elk, antelope and moose.
- (11) Elephants (Elephas and Loxodonta).
- (12) Ferrets.
- (13) Game cocks and other fighting birds.
- (14) Hippopotami (Hippopotamidae).
- (15) Hyenas (Hyaenidae).
- (16) Jaguars (Panthera onca).
- (17) Leopards (Panthera pardus).
- (18) Lions (Panthera leo).
- (19) Lynxes (Lynx).
- (20) Monkeys, old world (Cercopithecidae).
- (21) Ostriches (Struthio).
- (22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers.
- (23) Rhinoceroses (Rhinocerotidae).
- (24) Sharks (class Chondrichthyes).
- (25) Snow leopards (Panthera uncia).
- (26) Tigers (Panthera tigris).
- (27) Wolves (Canis lupus).

- (28) Poisonous insects.
- (29) Except on farms, horses, mules, ponies, donkeys, cows, pigs, goats, sheep, chickens or any animal raised for fur-bearing purposes unless otherwise permitted elsewhere in this Code.
- (30) Keeping of Pot-Bellied Pigs. The provisions of (29) do not apply to or include the subspecies of *sus scrofa* commonly known as Pot-Bellied Pig. Persons keeping Pot-Bellied Pigs in the Village must comply with the following requirements:
 - a. Every owner of a Pot-Bellied Pig shall pay a license fee and obtain a license in the same manner as is provided for the licensing of dogs under Chapter 7-1-3 of the Code and Sections 174.05 and 174.07, Wis. Stats., respectively.
 - b. No Pot-Bellied Pig kept in the Village shall exceed eighty (80) pounds.
 - c. All owners of Pot-Bellied Pigs shall follow secs. 7-1-6(c) (prohibiting animals from running at large), 7-1-9 (animal feces) and all other sections of the Code regulating the keeping of animals.
 - d. No person may keep more than two (2) Pot-Bellied Pigs and no more than (2) two licenses shall be issued per household.
- (d) **Exceptions; Pet Shops.** The prohibitions of Subsection (c) above shall not apply where the creatures are in the care, custody or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational institutions; licensed pet shops; zoological gardens; if:
 - (1) Their location conforms to the provisions of the zoning ordinance of the Village.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
 - (3) Animals are maintained in quarters so constructed as to prevent their escape.
 - (4) No person lives or resides within one hundred (100) feet of the quarters in which the animals are kept.

SECTION 7-1-125 WOLF/DOG HYBRID REGULATIONS.

- (a) A “wolf/dog hybrid is defined as any cross-breed resulting from the mating of a domesticated dog and a wolf, coyote, jackal or dingo or resulting from the mating of any wolf/dog hybrid and another wolf/dog hybrid or a domesticated dog. As used herein:
 - (1) The term “canine animal” includes all members of the family canidae except foxes.
 - (2) The term “domesticated dog” means canis familiaris.
 - (3) The term “wolf” includes both canis lupus and canis niger.
 - (4) The term “coyote” means canis latrans.
 - (5) The term “jackal” mean canis aurens.
 - (6) The term “dingo” means canis dingo.
- (b) No person shall harbor, keep or maintain within the village any wolf/dog hybrid, which

has not been registered pursuant to Section 7-1-126 on or before September 1, 2015. This prohibition shall not apply to animals being transported through the village limits within a one-hour period of time. A pup born to a female wolf/dog hybrid so registered shall be removed from the village before it has reached the age of five months. Wolf/dog hybrids permitted in the village shall be confined as set forth below.

- (c) Whenever any person is charge with harboring, keeping or maintaining a wolf/dog hybrid in the village which has not been registered on or before September 1, 2015, that person shall, to the satisfaction of the court, remove said animal from the village until a trial on the citation. If the animal has not been so removed within 48 hours of the service of the citation, the animal may be impounded as directed by law enforcement until the trial on the citation. In that case, the owner of any such animal shall pay all expenses incurred due to impoundment, including but not limited to the cost of shelter, food, handling and veterinary care. If it is determined by plea or trial that the animal is a wolf/dog hybrid not registered pursuant to Section 7-1-126 on or before September 1, 2015, it shall be removed from and not returned to the village.
- (d) The owner of any wolf/dog hybrid permitted to be kept in the village, and the owner of any property on which such wolf/dog hybrid is kept, shall see that the animal is at all times confined according to the minimum requirements of this section.
- (e) A wolf/dog hybrid may be kept only in enclosures that meet the following minimum requirements:
 - (1) The first enclosure shall be constructed of not less than nine-gauge galvanized chain link fencing, with mesh openings not greater than two inches, which shall be securely anchored by stainless steel or copper rings, placed at intervals not greater than six inches apart, to a poured concrete base as described herein. Such enclosure shall be not less than 500 square feet in area, plus 250 square feet for each additional canine animal kept therein. Such enclosure shall be the location in which any wolf/dog hybrid is primarily kept.
 - (2) The first enclosure shall extend to a height of not less than eight feet and shall be surrounded from ground level to a height of not less than four feet by 114-inch galvanized mesh screening.
 - (3) The first enclosure shall have a full top, which shall also be constructed of not less than nine-gauge chain link fencing with mesh openings not greater than two inches, and which shall be securely anchored to the sides of the enclosure. The entire base of the first enclosure shall be poured concrete slab floor at least four inches thick.
 - (4) The second enclosure shall consist of a securely anchored fence at least six feet in height, which shall entirely surround the first enclosure, and no part of which shall be nearer than six feet from any part of the first enclosure. Said fence shall be a vision barrier fence, no more than 5% open for through vision, except, however, that the portion of the fence facing the dwelling of the owner of the animals or of the property on which they are kept shall be constructed of not less than nine-gauge chain link fencing, to provide for observation of the animals. If any portion of the fencing is made of wood, the finished or painted side thereof shall face outward from

the first enclosure.

- (5) Both enclosures shall be kept locked with case hardened locks at all times when an animal is unattended by an adult. The first (innermost) enclosure shall have double entrance gates or doors situated and constructed in such a fashion as to prevent an animal from escaping past an open gate or door. The gates or doors providing access to the first (innermost) enclosure shall be spring-loaded, so as to shut of their own accord behind anyone entering that enclosure.
 - (6) Within the first enclosure, shelter shall be proved adequate to protect the animals confined against weather extremes. The first enclosure shall be regularly cleaned to remove excreta and other waste materials, dirt and trash, in a manner adequate to minimize health hazards and avoid offensive odors.
 - (7) The above-described enclosures shall be located in the rear yard of any property on which a wolf/dog hybrid is kept.
- (f) A wolf/dog hybrid may be transported only if confined in a secure, locked container, covered with 1/4-inch galvanized fine mesh screen. This division shall not prohibit the walking of the animals, provided they are muzzled and restrained by a leather lead, at least one inch in diameter and not exceeding three feet in length, attached to a metal choker-type collar, under the control of an adult. The muzzle must be made in a manner that will not cause injury to the wolf/dog hybrid or unduly interfere with its vision or respiration, but will prevent it from biting any person or animal.
- (g) To ensure compliance with this section, any person possessing any registration papers, certificate, advertisement or other written evidence relating to the bloodlines or ownership of a canine animal found with the village shall produce the same for inspection on demand of any law enforcement, conservation, or public health officer, or court.
- (h) No person shall own, harbor or keep in his/her possession on any one parcel of property more than three wolf/dog hybrids over five months of age at any one time, nor shall any person retain a litter or portion of a litter of wolf/dog hybrids longer than five months.
- (i) No person shall willfully or negligently release or abandon a wolf/dog hybrid as defined herein within the village.

SECTION 7-1-126 WOLF/DOG HYBRID REGISTRATION.

- (a) All owners of any wolf/dog hybrid in the village shall, on or before September 1, 2015 and annually thereafter on April 1 of each year, register such animal and provide a current color photograph of the animal with the village Clerk-Treasurer's office and pay a registration fee of \$25. At the time of registration, each owner of any wolf/dog hybrid kept within the village limits shall provide to the village Clerk-Treasurer proof of liability insurance in the amount of at least \$100,000 for any acts of property damage, personal injury or other liability incurred by virtue of any injury or damage inflicted by such wolf/dog hybrid. Such insurance shall name the village as co-insured solely for the purpose of notice of cancellation of such insurance policy.

- (b) The owner or keeper of a wolf/dog hybrid shall display on the premises on which such animal is kept signs warning that there is a wolf/dog hybrid on the property as provided herein. Signs shall be visible and capable of being read within at least 20 feet of their placement, but shall not be more than two square feet in area, and shall state in bold, capital letter, on a white background, the following: "WARNING-WOLF/DOG HYBRID PRESENT." One such sign shall be placed in the front yard of any property on which any wolf/dog hybrid is kept, as said term is defined in Section 7-1-125, and additional signs shall be placed on all gates or doors providing access through the second (outermost) enclosure required under Section 7-1-125.

SEC. 7-1-13 SALE OF RABBITS, CHICKS OR ARTIFICIALLY COLORED ANIMALS.

- (a) No person may sell, offer for sale, raffle, give as a prize or premium, use as an advertising device or display living checks, ducklings, other fowl or rabbits that have been dyed or otherwise colored artificially.
- (b)
 - (1) No person may sell, offer for sale, barter or give away living chicks, ducklings or other fowl without providing proper brooder facilities for the care of such chicks, ducklings or other fowl during the time they are in such person's care, custody or control.
 - (2) No retailer, as defined in Sec. 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: Sec. 948.11, Wis. Stats.

SEC. 7-1-14 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

- (a) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
- (b) The food shall be sufficient to maintain all animals in good health.
- (c) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

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

SEC. 7-1-15 PROVIDING PROPER SHELTER.

- (a) **Proper Shelter.** No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.

- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
 - (1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.
 - (2) Ventilation. Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
 - (1) Shelter from sunlight. When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - (2) Shelter from inclement weather.
 - a. Animals generally. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.
 - b. Dogs. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
 - (1) Structural strength. The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) Space requirements. Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

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

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

- (a) **Neglected or Abandoned Animals.**
 - (1) No person may abandon any animal.
 - (2) Any law enforcement officer or animal warden 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 or animal warden an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
 - (5) Section 948.16, Investigation of Cruelty Complaints, and Sec. 948.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

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

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

- (a) **Acts of Cruelty Prohibited.** No person except a law enforcement or animal control officer in the pursuit of his duties shall, within the Village, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 161.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

SEC. 7-1-18 LIMITATION ON NUMBER OF DOGS AND RABBIT HUTCHES.

- (a) **Purpose.** The keeping of a large number of dogs and rabbits within the Village of Cobb 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 and rabbits is, therefore, declared a public nuisance.
- (b) **Definitions.**
 - (1) Dog. A dog means any canine, regardless of age or sex.
 - (2) Residential Lot. A residential lot means a parcel of land occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **Dog Number limited.**
 - (1) No family shall own, harbor or keep in its possession more than two (2) dogs on any residentially zoned lot without the prior approval of the Village Board except that a litter of pups 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 on a residential lot, then only a total of two (2) dogs shall be allowed on the residential lot unless the prior approval is obtained from the Village Board. For the purposes of this Section, the term "family" shall be defined as one (1) or more persons.
 - (1a) No family shall permit a dog to remain on any residentially zoned lot, whether the dog belongs to the family or to some other person, for more than ten (10) consecutive days or for more than twenty (20) total days in a calendar year, if permitting the dog to remain would cause the limits under Section 7-1-18(1) to be exceeded.
 - (2) The above requirement may be waived with the approval of the Village Board. Such application for waiver shall first be made to the Village Clerk-Treasurer.
- (d) **Rabbit Hutches Limited.** The number of rabbit hutches allowed on each lot is limited to two (2).

SEC. 7-1-19 TRAPPING OF ANIMALS.

- (a) In the interest of public health and safety, it shall be unlawful for any person, in or on Village-owned land within the Village of Cobb to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be defined as those traps which capture and hold an animal in an alive and unharmed condition.
- (b) This Section shall prohibit the use of all traps other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (c) All such traps set, placed or tended shall comply with Chapter 29 of the Wisconsin Statutes as they relate to trapping.
- (d) This Section shall not apply to trapping on private property.
- (e) Nothing in this Section shall prohibit or hinder the Village of Cobb or its employees or agents from performing their official duties.

SEC. 7-1-20 PENALTIES.

- (a) Any person violating Sections 7-1-125, 7-1-126, 7-1-15, 7-1-16, 7-1-17, 7-1-18 or 7-1-19 shall be subject to a forfeiture of not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00). This Section shall also permit the Village Attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this Ordinance.
- (b)
 - (1) Anyone who violates Sections 7-1-1, 7-1-105, 7-1-2, 7-1-3 and 7-1-4 of this Code of Ordinances or Chapter 174, Wis. Stats., shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.
 - (2) Anyone who violates Section 7-1-5 shall be subject to a forfeiture of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or may be imprisoned not more than sixty (60) days or both.
- (c) Any person who violates Sections 7-1-6 through 7-1-12 or Sections 7-1-13 or 7-1-14 of this Code of Ordinances shall be subject to a forfeiture of not less than Twenty-five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00) for the first violation and not less than Fifty Dollars (\$50.00) and not more than Two Hundred Dollars (\$200.00) for subsequent violations.

SEC. 7-1-21 SCHEDULE OF FORFEITURE DEPOSITS.

To ensure uniformity and equal treatment of all persons who violate any provision of this Chapter, the following Schedule of Deposits for Code Violations shall be the used to establish the deposit amount for forfeitures for other violations of this code.

VILLAGE OF COBB SCHEDULE OF FORFEITURE DEPOSITS

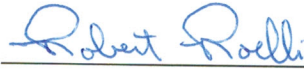
(Add all court costs and surcharges to amounts listed)

Title 7, Chapter 1

<u>SECTION</u>	<u>DESCRIPTION</u>	<u>FIRST OFFENSE</u>	<u>SUBSEQUENT OFFENSES</u>
7-1-1	Dog Licenses Required; Definitions	\$25.00	\$100.00
7-1-105	Licensing and Regulation of Cats	\$25.00	\$100.00
7-1-2	Rabies Vaccination Required for License	\$25.00	\$100.00
7-1-3	Issuance of Dog Licenses	\$25.00	\$100.00
7-1-4	Late Fees	\$25.00	\$100.00
7-1-5	Rabies Quarantine	\$100.00	\$200.00
7-1-6	Restrictions on Keeping of Dogs, Cats, Fowl and Other Animals	\$25.00	\$50.00
7-1-7	Impoundment of Animals; Animal Warden	\$25.00	\$50.00
7-1-8	Duty of Owner in Cases of Dog or Cat Bite	\$25.00	\$50.00
7-1-9	Animal Feces	\$25.00	\$50.00
7-1-10	Injury to Property by Animals	\$25.00	\$50.00
7-1-11	Barking Dogs or Crying Cats	\$25.00	\$50.00
7-1-12	Prohibited and Protected Animals, Fowl, Reptiles and Insects	\$25.00	\$50.00
7-1-125	Wolf/Dog Hybrid Regulations	\$50.00	\$100.00
7-1-126	Wolf/Dog Hybrid Registration	\$50.00	\$100.00
7-1-13	Sale of Rabbits, Chicks or Artificially Colored Animals	\$25.00	\$50.00
7-1-14	Providing Proper Food and Drink to Confined Animals	\$25.00	\$50.00
7-1-15	Providing Proper Shelter	\$50.00	\$100.00
7-1-16	Neglected or Abandoned Animals	\$50.00	\$100.00
7-1-17	Cruelty to Animals and Birds Prohibited	\$50.00	\$100.00
7-1-18	Limitation on Number of Dogs and Rabbit Hutches	\$50.00	\$100.00
7-1-19	Trapping of Animals	\$50.00	\$100.00

Section II: This ordinance shall become effective upon its passage and posting as required by law.

Adopted and approved this 14 day of March 2016.



Robert Roelli, Village President

COUNTERSIGNED:



Lori Breiwa, Village Clerk

Date Adopted:	<u>3/14/2016</u>
Date Recorded:	<u>3/15/2016</u>
Date Posted:	<u>3/15/2016</u>
Date Affidavit Filed:	<u>3/15/2016</u>
Effective Date:	<u>3/15/2016</u>