

# Chapter 23

## Animals

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# Chapter 23

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### 23.01 REGULATION OF ANIMALS AND FOWL

A. Regulations: No person, firm or corporation shall keep any of the following within the Village of Amherst, except on land classified on the Official Village Map as agricultural.

- (1) Mink, fox, skunk or similar fur bearing animals
- (2) Poultry, turkey or fowl
- (3) Pigs, cows, horses or similar animals

B. Sanitary Requirements: All structures, pens, stables, coops or yards where animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors.

C. Exclusion from Food Handling Establishments: No person shall take or permit to remain, any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public.

D. Noisy Animals and Fowl Prohibited: The keeping or harboring of any animal or fowl which engages in frequent or habitual howling, yelping, barking, crowing or making of other noises, so as to create a disturbance, shall be prohibited.

E. Skunks: No person may possess or sell any live wild or domestic skunk except to control the skunk temporarily for removal or transportation from one location to a more appropriate location. A person may kill at any time a wild skunk which is a nuisance. A person who kills an adult skunk with young shall attempt to kill the young skunks also.

The Village of Amherst shall coordinate the trapping of skunks found within the Village through the Portage County Humane Society, with the fees associated with such actions divided equally between the Village and the property owner.

F. Rabies: The cost of testing skunks or other wild animals, killed within the Village, for rabies shall be assumed by the Village of Amherst. The Village President or the Director of Public Works shall authorize such tests as the situations warrant.

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### 23.02 DOGS

A. Definitions:

- (1) At Large: means to be off the premises of the owner and not under the control of some person either by leash or other tangible visible control, but a dog within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owners premises.
- (2) Collar: means a band, strip or chain placed around the neck of a dog.
- (3) Kennel: any establishment where dogs are kept for the purpose of breeding, sale or sporting purposes.
- (4) License year: The license year commences on January one (1) and ends on the following December thirty one (31).
- (5) Owner: includes any person who owns, harbors or keeps a dog.

B. License Required:

- (1) Requirement: The owner of a dog more than five (5) months of age on January one (1) of any year, or five (5) months of age within the license year, shall annually, on or before the date the dog becomes five (5) months of age, pay the dog license tax and obtain a license.
- (2) Tax: The minimum dog license tax is outlined in a fee schedule found in Chapter 7 - Finance, One-half (1/2) of these amounts will be charged if the dog becomes five (5) months of age after July one (1) of the license year.
- (3) License: Upon payment of the required dog license tax and presentation of evidence that the dog is currently immunized against rabies, the Village Clerk/Treasurer shall complete and issue to the owner a license for the dog. After issuing the license, the Clerk/Treasurer shall deliver to the owner of the dog a tag bearing the same serial number as the license. The owner of the dog shall securely attach the tag to a collar and the collar with the tag shall be kept on the dog for which the license is issued at all times.
- (4) Late Fees: The Village Clerk/Treasurer shall assess and collect a late fee as per the fee schedule in Chapter 7 - Finance from every owner of a dog five (5) months of age or over, if the owner failed to obtain a license prior to April one (1) of each year.

C. Restrictions

- (1) Number of dogs: No one shall keep, own or harbor within the Village of Amherst more than three (3) dogs over five (5) months of age except in a licensed kennel. The keeping of any dog contrary to the provisions of this Chapter constitutes a public nuisance.
- (2) Requirement for 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.
  - (a) Issuance of Certificate: A veterinarian who vaccinates a dog against rabies shall complete and issue one copy to the owner of the dog

and keep one copy on file, a certificate of rabies vaccination bearing a serial number, stating the dog owner's name and address; name, sex, breed and color of the dog, date of immunization, type administered and date immunization expires.

- (b) Issuance of tag: After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner of the dog a rabies vaccination tag which shall be attached to the dog's collar and kept on the dog at all times.
- (c) Cost: The owner of the dog shall pay all costs associated with the issuance of a certificate of vaccination and a tag.

D. Power to Seize: Any dog running at large and/or untagged in the Village of Amherst shall be impounded pursuant to Wisconsin State Statute 174.046 which is hereby adopted and made a part of this ordinance by reference.

- (1) Attempt to Notify Owner: The Village Clerk/Treasurer shall attempt to notify the owner personally or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort. The Clerk/Treasurer shall check the lost and found column of the local newspapers and post in three separate locations a description of the dog impounded.
- (2) Records: The Village Clerk/Treasurer shall keep a record of each dog, giving a description of the dog, dates of its impoundment, if any, and the disposition of the dog. If the dog is released to a person the record shall include name, address and date of delivery of the dog. This record is a public record.
- (3) Boarding Fee:
  - (a) The first time the dog is released to the owner shall be without charge. The second time and each subsequent time the dog is released to the owner, a fee of five dollars (\$5.00) shall be charged. The dog may be released if the owner or representative gives his or her name and address, presents evidence that the dog is licensed and vaccinated against rabies or presents a receipt from a licensed veterinarian for prepayment of a rabies inoculation and pays any boarding fees.
  - (b) If after seven (7) days the owner is unknown or does not claim the dog it may be released to a person other than the dog's owner if the person gives his or her name and address, signs a statement agreeing to license the dog and have the dog vaccinated against rabies unless evidence is presented that the dog is already licensed and vaccinated. no boarding fee shall be charged.
  - (c) A dog which is not released to its owner or to a person other than its owner seven (7) days after the dog is delivered to the pound is deemed an unclaimed dog. A designated Village employee may dispose of the unclaimed dog in a proper and humane manner.

E. Assaulting and Injuring a Person: A person may take restraining action with respect to a dog if the dog attacks, assaults or otherwise causes injury to a person while the dog is at-large.

- (1) Restraining Action: Restraining action with respect to a dog includes;
  - (a) Notifying Owner: Notifying the dog's owner and requesting that the owner capture and restrain the dog.
  - (b) Notifying Officer: Notifying an officer and requesting that the officer capture and restrain the dog.
  - (c) Capturing the Dog: Capturing and restraining the dog.
  - (d) Killing the Dog: Killing the dog if:
    - (i) it is apparent human life or safety is in imminent danger, and
    - (ii) it appears capture or physical restraint is not feasible.

F. Rabies: A person who suspects that a dog is infected with rabies or has been exposed to rabies infection shall notify an officer who shall take appropriate action as required under Wisconsin State Statute 95.21 (4) which is hereby adopted and made a part of this ordinance by reference

Effective: 12-31-82

### **23.03 KENNELS**

#### A. Requirements:

- (1) It shall be unlawful for any person to operate a kennel within the Village of Amherst unless such person shall first obtain a license.
- (2) A licensed kennel shall be a "Conditional use" in the "B-1" General Business District only. (See Zoning Ordinance 9.07B C.(8).)

#### B. License

- (1) The Plan Commission and the Village Board shall first approve a "Conditional Use" for the kennel.
- (2) The kennel license tax shall be thirty dollars (\$30.00) for the license year.
- (3) Upon payment of the license tax and presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the Village Clerk/Treasurer shall issue the kennel license and tags equal to the number of dogs authorized to be kept in the kennel.
- (4) A record shall be kept by the Clerk/Treasurer of the names of persons owning and operating kennels and the number of dogs kept in each.

#### C. Tags

- (1) Kennel license tags shall be made in a form so that they be readily distinguishable from the individual license tags for the same year. The owner of the kennel shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag shall remain attached to the dog for which it is issued at all times.

- (2) No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, training or show.

D. Health and Sanitation: All licensed kennels and yards where dogs are kept shall be maintained in a clean and sanitary condition, free from rodents, vermin and objectionable odors.

**Unless clearly inapplicable, all provisions of this Chapter relating to the individual dog license tax, licenses and tags shall apply to a kennel license and tags.**

Effective: 12-31-82

### **23.04 CONTRACT FOR ENFORCEMENT**

The Village of Amherst may contract for enforcement of any of the provisions of this Chapter with the Portage County Humane Society, Inc., or any other agencies with similar capabilities.

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### **23.05 PENALTY**

Any person who violates this Section shall be subject to a Class "E" forfeiture, or incarceration in lieu thereof, as provided in Chapter 2.09 of this Code.

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