

**WAUPACA COUNTY CODE OF ORDINANCES  
CHAPTER 12  
ANIMAL CONTROL**

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## **12.01 STATE LAWS ADOPTED**

This Ordinance hereby adopts the provisions of Section 95.21, Chapters 173, 174 and 951 of the Wisconsin Statutes and ATCH Chapter 13 of the Wisconsin Administrative code, exclusive of any penalties.

## **12.02 INTERPRETATION**

The provisions of this Ordinance shall be interpreted to be the minimum requirements and shall be liberally translated in favor of Waupaca County and shall not be deemed a limitation of any power granted by the State of Wisconsin State Statutes.

## **12.03 APPLICABILITY**

The provisions of this Ordinance shall apply to all areas of Waupaca County, except cities, towns, or villages within the County that have local health officers.

## **12.04 DEFINITIONS**

- A. Words or phrases, unless specifically defined, shall be interpreted as having the same meaning as they have in Wisconsin Statutes, Wisconsin Administrative Codes and/or judicially interpreted by Wisconsin Case Law.
- B. Animal: includes every living warm-blooded creature, except for human beings, reptiles or amphibians.
- C. Animal at Large: any animal shall be deemed to be at large when off the property of the owner and not under the control of the owner or some other person.
- D. Animal Control Officer: means any person designated by a government agency (county or town), to enforce the adopted ordinances of the County and the State Statutes, as they pertain to animal control, except authority restricted to humane officers under section 173.07 Wisconsin Statutes.
- E. Animal Shelter: means any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding and caring for animals held under the authority of this Ordinance or State Law.
- F. Confined: means the restriction of an animal at all times by the owner or an agent of the owner to an escaped proof building, vehicle or other enclosure.
- G. DATCP: means the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

- H. Domestic Animal: means any animal, which normally can be considered tame and converted to home life or livestock.
- I. Dwelling Unit: means a building or portion thereof, designated or used exclusively for residential purposes.
- J. Exotic Animal: any animal that is not normally domesticated in the United States or is wild by nature.
- K. Health Officer: means the person with authority in the County or a municipality for public health law enforcement and the implementation of public health program activities, or duly designated representative of such person.
- L. 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.
- M. Licensing Authority: means the municipal treasurer or its delegated collecting agent.
- N. Owner: means any person who owns, harbors, or keeps a domestic animal or owns or keeps any animal. Where a family keeps an animal the head of the household shall be responsible for the requirements of this Ordinance. Any animals shall be deemed to be harbored if it is fed and/or sheltered.
- O. Public Nuisance: means any domestic animal or animals which engage in one or more of the following:
1. Molesting passers-by or passing vehicles.
  2. Attacking persons or animals without provocation when said persons or animals were peacefully conducting themselves where they were lawfully entitled to be.
  3. Trespassing on school grounds, parks, or cemeteries.
  4. Being repeatedly at-large, where repeatedly means at least two times.
  5. Damaging private or public property.
  6. Barking, whining or howling in a continuous manner for time duration of one hour or longer.
- P. Quarantine or Isolation Facility: means a humane society, shelter, veterinary hospital, municipal pound or other place specified by a trained

observer, which is equipped with a pen or a cage which isolates one animal from contact with other animals.

Q. Restraint: means any animal secured by a leash, lead or within the fenced (underground/above ground) property limits of the animal's owner or leashed by a chain or other significant restraining device that limits the animal to the property limits of the owner.

R. Veterinarian: means a person who is currently licensed in the State of Wisconsin to practice veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

S. Veterinary Hospital/Clinic: means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injury of animals.

T. Vicious Animal: an animal will be considered vicious if within any twelve month period, it bites two or more persons or inflicts serious injury to one person in unprovoked circumstances off the owner's premises.

U. Wild Animal: means any indigenous, warm-blooded mammal, which is now or historically has been found in the wild.

V. Cruel: means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

## **12.05 ADMINISTRATION**

A. Authority: This animal control ordinance was adopted by the Waupaca County Board pursuant to the administrative authority granted for such ordinance by section 95.21 Wisconsin Statutes.

B. Administration: The Animal Control Ordinances shall be cooperatively administered under the Waupaca County Health Officer along with the Waupaca County Sheriff's Department, the Waupaca County Board of Supervisors, and the designated Waupaca County Board committee.

C. Enforcement: Enforcement shall be under the direction of the town designee and/or a trained individual and the Waupaca County Sheriff's Department, using written protocols. Unusual cases will necessitate consultation with the veterinary advisor.

## **12.06 PROGRAM EXPENDITURES SUPPORTED BY LICENSE FEES**

A. 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 proposes and in the manner following:

1. On an annual basis after receipt of the same, 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.
2. Expenses necessarily incurred by the County in purchasing books, forms and other supplies required in the administering of the dog license law.
3. Expenses incurred by the County under section 95.21(4)(b) and (8) Wisconsin Statutes.

B. Surplus Funds: 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 claim shall be paid to any person who has failed to obtain a license for a dog that is required to be licensed.

C. Liability: All claims filed under paragraph (B) above, shall be solely against the dog license fund and shall not create any other liability on the part of the County.

## **12.07 DOG LICENSE AND RABIES VACCINATION REQUIREMENT**

A. Dog License: Except as provided in Section 174.054, Wisconsin Statutes, the owner of a dog more than five (5) months of age on January 1st of any year or 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 fee as provided in Section 174.15, Wisconsin Statutes, 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. The license year commences on January 1st and ends on the following December 31st. Proof of rabies vaccination in the form of a signed certificate from a veterinarian (See Section E below) shall be presented at the time of licensing to the city, village, Town Treasurer or Clerk issuing the license pursuant to Section 174.05 and 174.07, Wisconsin Statutes. The licensing person shall prepare the report to the County Clerk as prescribed in Section 174.08, Wisconsin Statutes.

B. Multiple Dog License: A single owner having possession of five (5) or more adult dogs shall be required to obtain a Multiple Dog License. Such owner

shall pay the license fee as prescribed by the County pursuant to Section 174.053, Wisconsin Statutes. Tags shall be issued for all dogs pursuant to Section 174.07, Wisconsin Statutes.

C. Kennel: A person who keeps or operates a kennel may, instead of obtaining individual licenses for each dog, apply for a kennel license for the keeping or operating of the kennel. The kennel owner or keeper shall keep at all times a kennel license tag attached to the collar of each dog over five (5) months old. Tags may be transferred from one dog to another whenever a dog is removed from the kennel.

D. Rabies Vaccination: Initial Vaccination: The owner of a dog shall have the animal vaccinated by a veterinarian by five (5) months of age. An owner, who imports a dog into Waupaca 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. All veterinarians practicing in Waupaca County shall adopt the standard legal description for a rabies tag as defined by the National Association of State Public Health Veterinarians.

E. 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. If no expiration date is specified on the certificate, within one (1) year of the previous vaccination.

F. Rabies Vaccination Certificate: This Ordinance adopts the provisions of Section 95.21(2)(b), Wisconsin Statutes.

## **12.08 ANIMAL BITE AND QUARANTINE PROTOCOL**

A. Quarantine or sacrifice of an animal suspected of biting a person or being infected or exposed to rabies.

1. A law enforcement officer or their designee 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.
2. If the quarantine cannot be imposed because the dog or cat cannot be captured, the law enforcement officer or their designee may kill the animal.
3. The law enforcement officer or their designee may kill a dog or cat only as a last resort or if the owner agrees.

4. The law enforcement officer or their designee shall attempt to kill the animal in a humane manner and in a manner, which avoids damage to the animal's head.

5. A law enforcement officer or their designee 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.

6. A law enforcement officer or their designee may order killed or may kill a dog or cat if the owner of the dog or cat violates section B(1), (2) or (3).

7. A law enforcement officer or their designee who kills an animal shall arrange delivery of the carcass to a veterinarian.

8. The veterinarian 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 of exposure to any rabies virus.

B. Quarantine of a dog or cat.

1. Delivery to isolation facility or quarantine on premises of owner: An officer who orders a dog or cat to be quarantined shall arrange delivery of the animal, or shall order the animal delivered to an isolation facility as soon as possible but no later than 24 hours after the original order is issued or the officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence.

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 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 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: If a dog or cat is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal and if the dog or cat is not currently immunized against

rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal. 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 or isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal revaccinated against rabies as soon as possible after the exposure to a rabid animal.

4. Sacrifice of a dog or cat exhibiting symptoms or rabies: If a veterinarian determines that a dog or cat exhibits symptoms or 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.

5. NOTE: All suspected animals are assumed to be rabid unless proven negative for rabies by the State Lab of Hygiene.

C. The owner of any animal involved in a bite incident 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.

D. 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 control officer or responsible agency to seize said animal and make such delivery as intended at the owner's expense.

E. Any law enforcement officer, trained individual or animal control 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 quarantine. A quarantine 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.

## **12.09 RESTRAINT**

A. Restraint: All owned animals shall not be permitted to run at large.

B. Animal Nuisance: All owners shall exercise care and control of their animals to prevent them from becoming a public nuisance.



C. Declaration of a Vicious Animal: The Animal Control Officer of the County or town or any Law Enforcement Officer, after conducting an investigation into the circumstances surrounding an unprovoked attack, 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 Waupaca County Board's designated committee for review of the order. Upon receipt of the petition, the Committee 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.

D. When an animal has been declared vicious, the owner shall comply with the following: While on the owner's or caretaker's property, the animal must be either securely 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, or causing further injury. The pen or structure must be constructed with chain link fencing on all four sides and enclosed at the top using material of sufficient tensile strength to prevent escape. The sides of the pen must be imbedded in the ground no less than two feet, or have a concrete pad for the bottom; or securely confined using a material of sufficient tensile strength to adequately confine the animal without risk of breaking if the animal is large and aggressive.

E. While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a suitable chain or leash not exceeding four feet in length and under the control of the owner or the owners immediate family of at least 16 years of age. 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.

F. All owners or caretakers 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.

G. 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".

## **12.10 REPORTING OF ANIMAL BITE INCIDENTS**

Health care providers, attending physicians, and attending veterinarians are required to report all incidents of suspected and/or confirmed animal bites on persons in Waupaca 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 hours.

## **12.11 IMPOUNDMENT, QUARANTINE, AND VIOLATION NOTICES**

- A. **Animals at Large:** Animals at large shall be referred to the local governmental authority and impounded in a temporary or permanent animal shelter and confined in a humane manner.
- B. **Public Nuisance:** When an animal is causing a public nuisance and its owner cannot be contacted at the time of the complaint, it may be impounded by the local governmental or town authority or designated Animal Control Officer after an attempt has been made to contact the owner or if the owner is unknown. After impoundment, reasonable attempts shall be made to contact the owner. Animals kept within a premise can only be removed with appropriate court approval.
- C. **Lawful Killing of a Dog:** A person may intentionally kill a dog only if a person is threatened with serious bodily harm by the dog and other restraining actions were tried and failed; or, immediate action is necessary. A person may intentionally kill a dog if a domestic animal that is owned or in the custody of the person is threatened with serious bodily harm by the dog and the dog is on property owned or controlled by the person and other restraining actions were tried and failed; or, immediate action is necessary.
- D. **Reclaiming an Impounded Animal:** 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.
- E. **Animals Not Reclaimed:** Any animal not reclaimed by its owner within seven (7) days becomes the property of the local governmental authority and shall be placed for adoption in a suitable home or humanely euthanized, preferably by lethal injection. Cost for impounding and euthanization shall be at the owner's expense.
- F. **NOTE:** An animal owner aggravated by such quarantine may, within thirty (30) days, petition the designated County Board Committee for a hearing. 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 Department of Agriculture, Trade and Consumer Protection Division of Animal Health, the State of Wisconsin Humane Officer and/or the Wisconsin State Rabies Program, or a Wisconsin Licensed Veterinarian may be consulted for a determination based on the circumstances of the incident and the animal(s) species involved. The quarantine remains in effect until after the hearing unless

properly released pursuant to this Ordinance. The designated county appeal committee shall after hearing all evidence impose appropriate methods of restraint and quarantining that the committee in its discretion feels is necessary to insure that no further bite incidents occur and or the animal no longer creates a nuisance

#### **12.12 ANIMAL CARE AND NEGLECT**

This Ordinance adopts the provisions of Wisconsin Statutes, Chapter 951 to address crimes against animals, using clarifications and references provided by the State of Wisconsin Humane Officer as a guideline in making such determinations. The County appointed Humane Officer shall attend, when possible, training as offered by the Wisconsin Department of Agriculture, Trade, and Consumer Protection.

#### **12.13 ANIMAL WASTE**

A. The owner or person having immediate control of an animal shall promptly remove and dispose of, any excreta left or deposited by the animal upon public or private property (other than property owned by the animal owner). This shall be inapplicable in cases in which a person is being assisted by a trained assistance animal, or in the case of the transportation of animals or the transport of animals.

B. All pens, yards, structures, or areas where animals are kept shall be maintained in a nuisance-free manner. 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. (Wis. Stats. 951.14(4))

#### **12.14 DEAD ANIMAL DISPOSAL**

All dead domestic animals shall be disposed of in a manner pursuant to Wisconsin Statutes 95.50. Animals killed by motor vehicles shall not be included in this section. Animals killed by motor vehicles will be disposed of in a manner outlined by any present contracts for removal in place with the Wisconsin Department of Transportation and Waupaca County or other arrangements.

#### **12.15 EXOTIC ANIMALS**

A. Any exotic animal kept in the County of Waupaca shall be contained in a pen or enclosure of proper size and strength as to prohibit the animals escape.

B. It shall be the duty of each individual city, town, or local municipality to regulate or implement any ordinance concerning the sale or keeping of exotic animals, as they see fit. If at any time, County personnel are needed in order to

contain, capture, or humanely destroy an exotic animal, the animal owner will be responsible for the costs associated.

## **12.16 ENFORCEMENT**

- A. Civil and Criminal Provisions: This Ordinance shall be enforced by the Waupaca County Humane Officer, or any other law enforcement persons.
- B. Interference with Officer: Law enforcement agency personnel or their designee, are authorized to catch and impound animals at large with such authorizations to include the pursuit of animals upon non-animal owner private property. It shall be a violation of this Ordinance to interfere with the Animal Control Officer, Law Enforcement Officer, Humane Officer, trained individual or Waupaca County Health Department employee in the performance of their duties.
- C. Tampering with Signs: Anyone tampering with signs posted pursuant to this Ordinance shall be subject to forfeiture.
- D. Release of Animal: Only authorized person or persons receiving proper authorization have the authority to release an animal from a pen, cage or holding facility.
- E. Dangerous Animals: A Wisconsin Licensed Veterinarian shall be consulted and/or utilized to assist in tranquilizing or otherwise handling dangerous animals.

## **12.17 PENALTIES**

- A. Any person violating any provision of this Ordinance shall be subject to forfeitures as listed below. If any violation continues, each day of continued violation shall be deemed a separate violation.
- B. Vaccination Violation: Vaccination enforcement as set forth in Wisconsin Statutes 95.21. Any person having a dog with no verifiable current rabies vaccination shall pay a forfeiture of not less than fifty dollars (\$50.00) or more than two hundred dollars (\$200.00) for subsequent offenses.
- C. Quarantine Violation: Failure to comply with quarantine or to deliver an animal to an officer or isolation facility or veterinarian, shall be fined not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- D. Animals at large: The owner(s) of animals running at large shall be subject to a fine of twenty-five dollars (\$25.00) to one-hundred dollars (\$100.00) plus court costs.

E. Other Violations: Any person who violates any other provision except (B), (C) and (D) above, may be required to forfeit the following:

1. 1st Forfeiture \$50.00 - plus court costs
2. 2nd Forfeiture \$100.00 - plus court costs
3. 3rd Forfeiture \$200.00 - plus court costs
4. 4th Forfeiture \$400.00 - plus court costs

## **12.18 ABATEMENT OF VIOLATIONS**

- A. This ordinance hereby adopts Wis. Stats.173.11 concerning abatement of violations.
- B. The official(s) designated for the purposes of modifying or withdrawing abatement orders shall be the Waupaca County Legislative and Judicial Committee.

## **12.19 TAKING CUSTODY OF ANIMALS**

A. Pursuant to Wis. Stats. 173.13 the following individuals have authority to take animals into custody provided the condition or conditions outlined in Wis. Stats. 173.13 are present:

1. A humane officer, on behalf of a political subdivision in which the humane officer has jurisdiction.
  2. Any law enforcement officer.
- B. When taking custody of an animal Wis. Stats. Ch. 173.13 shall be complied with I in its entirety.

## **12.20 DUTIES OF TOWNS**

A. It shall be the duty of each town in Waupaca County to provide on an annual basis to the Waupaca County Clerk, the following information:

1. A list of individuals appointed to perform animal control duties.
2. A list of approved shelter facilities that may be utilized by their town in the event an animal is taken into custody.

## **12.21 COSTS ASSOCIATED**

A. All costs associated with animal control violations, impoundment, quarantine, or abatement shall be the responsibility of the animal owner.

## **12.22 CITATION**

This Ordinance may be enforced by issuance of citations by the Waupaca County Sheriff's Office or other county or town designee.

## **12.23 SEVERABILITY**

Each section, paragraph, sentence, clause, word, and provision of this Ordinance is severable and if any portion is, or becomes, invalid or unconstitutional for any reason, such determination shall not affect the rest of the Ordinance.

## **12.24 EFFECTIVE DATE**

This Ordinance shall take effect and be enforced immediately after the adoption by the Waupaca County Board of Supervisors and its publication as provided by law in the official newspaper of Waupaca County. Enacted on October 25, 2005 by Waupaca County Board of Supervisors.

## **12.25 REPEAL OF PRIOR ORDINANCES**

All prior Ordinances or parts of Ordinances, in conflict with this Ordinance are hereby repealed.