CITY OF EVANSVILLE
ORDINANCE 2015-01

Animals

The Common Council of the City of Evansville, Rock County, Wisconsin, do hereby ordain as follows:

Chapter 14 of the Evansville City Code shall be amended as follows:

Chapter 14

ANIMALS[1]

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Sec. 14-2. Excessive Animal Hoarding, Sheltering and Ownership.
Sec. 14-3. Running at large.
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Sec. 14-5. Unattended animals in standing or parked vehicles – Authority to remove – Liability for Removal
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[1] **Cross references:** Environment, ch. 46; health and sanitation, ch. 58; agricultural district one (A-1), § 130-701 et seq.; agricultural district two (A-2), § 130-721 et seq.; agricultural district three (A-3), § 130-741 et seq.

Secs. 14-45 - -14-49. Reserved.

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Sec. 14-60. Permit Required.
Sec. 14-61. Operation of Commercial Animal Establishments.

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Sec. 14-62. Penalties for violations of Chapter 14.

ARTICLE I. IN GENERAL

Sec. 14-1. Definitions.

1. **Animal:** means any multicellular organism under the scientific kingdom classification of Animalia.
2. **Animal control officer:** means any person appointed by the City to act as animal control officer of the City or any police officer.
3. **Commercial Animal Establishment:** means an establishment that:
    a. Bathes, clips, plucks, or otherwise grooms animals, not their own;
    b. Breeds, boards, or buys;
    c. Sells or donates more than 10 animals per calendar year;
    d. Trains, or sports animals; or
    e. Displays or exhibits animals.
4. **Cat:** a small domesticated carnivore, Felis domestica or F. catus, bred in a number of varieties.
5. **Dog:** a domesticated canid, Canis familiaris, bred in many varieties.
6. **Domestic Pet.** means an animal that has been traditionally tamed and kept by humans as a service animal, or pet such as birds (i.e. caged birds such as parakeets, finches, macaws, and typically caged birds); small caged animals like hamsters, ferrets, sugar gliders, chinchillas, pet rats and gerbils: fish, but does not include Dogs or Cats.
7. **Exotic Animal.** Means any animal which is kept within the city limits by a person, and does not meet the definition provided under Domestic Pet and is not a dog or cat.
8. **Feral:** existing in a natural state, not domesticated, or having reverted to the wild state, as from domestication; or characteristic of wild animals; ferocious; brutal.
9. **Owner:** means any person owning, keeping, harboring, temporarily taking care of, or having under their control one or more Pet.
10. **Pet:** means all animals which are kept or cared for within the city limits by a person and including Exotic Animals, Domestic Pets, Dogs or Cats.
11. **Pet Boarding Facility:** means the cages maintained by the Evansville Police Department, the Rock County Humane Society, or any private entity that conducts

business as a kennel and contracts with the Evansville Police Department for boarding Pets.

12. **Running at Large:** means that an animal is off the owner's premises, or on a public right of way on the owner's premises, and is not under the control of the owner or some other person.
13. **Service Animal:** Any pet or animal under an owner's care that is to provide support to the owner due to blindness, deafness, lack of mobility or other diagnosable mental and physical conditions.
14. **Unkempt:** means that the animal appears to be neglected, or is in poor health due to lack of food, dehydration, or untreated injuries.
15. **Vicious:** means that the Pet has been declared vicious pursuant to section 14-7.

Sec. 14-2. Excessive Animal Hoarding, Sheltering and Ownership.

1. No property owner shall make or allow such use of property or harbor animals in a manner that creates one of the following violations:
    a. Neglect of the Animals – The number of animals located at the property causing violations of 14-50 and/or 14-52 can be enforced under this provision.
    b. Unsanitary Conditions for Humans –The location and/or number of animals cause or reasonably may cause health consequences to an individual or community such as, but not limited to, infectious bites or scratches to neighborhood children, Toxoplasmosis, asthma triggering caused by excessive urine, Leptospirosis, hookworms, Psittacosis, Lymphocytic Choriomeningitis Virus, Brucellosis, Scabies, Cryptosporidiosis, tape worms, insect infestation and rabies.
    c. Unsanitary Conditions for Animals – The number of animals in relation to the space available and/or care provided could cause the spread of distemper, ring worm, flea anemia, Toxoplasmosis, asthma triggering caused by excessive urine, Leptospirosis, hookworms, Psittacosis, Lymphocytic Choriomeningitis Virus, Brucellosis, Scabies, Cryptosporidiosis, tape worms, insect infestation, rabies and other unsanitary conditions .
    d. Harboring or Attracting Feral and Stray Animals –The property owner's actions or allowance of such actions on their property creates a harbor for feral and/or stray animals by the creation of feeding stations, leaving the premises open for animals to freely leave and return or not properly containing their refuse.
    e. Shelters –Evansville ordinances allow animal shelters to be permitted under proper licensing and zoning requirements. Shelters that are temporary, non-profit and commercial must be properly licensed, zoned, and maintained so that they do not violate any other section of the municipal code. This sub-section excludes family/friends or volunteers of non-profit shelters watching an animal temporarily unless a separate violation of this Chapter occurs. If a separate violation occurs then this section may be enforced without exception.
    f. Noise Disturbance – Violation of ordinance 14-8 and/or 82.181
    g. Property Maintenance and Nuisance – Violations of any ordinances pertaining to the maintenance and care of properties caused by the number of animals or causes the attraction of animals that may result a public nuisance.
2. Any property owner creating or allowing such a violation shall be responsible for the humane disposal or placement of the animals to the extent the property is no longer in violation of local ordinances.

Sec. 14-3. Running at large.

1. No person having in his possession or under his control any Pet shall allow the Pet to run at large within the city.
2. *Impoundment authorized.* The police department or any other officer appointed by the City shall attempt to apprehend any Pet running at large within the city or any dog or cat which does any of the things prohibited under section 14-31(3). The Pet may be held at the police department or other location approved by the police department for a period of 1 day or such additional time as the chief of police may determine. If the police department is unable to identify the owner of the Pet; or the owner of the Pet fails to respond to the police department; or pay the fees and charges the Pet may be transferred to a veterinary clinic or Pet boarding facility for the duration of the holding period at the expense of the owner.
3. *Fees and charges.* The owner shall be responsible for the expense of all fees and charges for apprehension, impoundment, transport, veterinary care, quarantine, observation, and examination of the animal and may be subject to a forfeiture as provided in section 1-11. Fees and charges shall be as established by the council from time to time by resolution.
4. *Release to owner.* A Pet may be returned to its owner upon proof that the owner has either resolved, or enrolled the Pet in training to resolve, the reason the Pet was impounded, completion of any required quarantine period, and payment of the fees and charges. If after seven (7) days from the date the Pet was impounded or five (5) days after the expiration of the quarantined period, whichever is longer, the owner does not claim the Pet and pay the fees and charges, ownership of the Pet will be relinquished. The chief of police, instead of having the Pet destroyed, may authorize the Rock County Humane Society or another non-profit organization to place the Pet for adoption.

(Code 1986, § 11.04(1), Ord. 2012-22)

Sec. 14-4. Animals not permitted on school grounds.

No owner shall permit their Pet to be upon any school property except upon express permission of the school principal or their designee, except when a dog is participating in an organized event or activity. This does not include animals that would otherwise be considered Service Animals.

Sec. 14-5. Unattended animals in standing or parked vehicles – Authority to remove – Liability for Removal.

No person may leave a Pet unattended in a standing or parked vehicle in a manner that endanger the health or safety of such animal. If a Pet is found in a standing or parked vehicle, and the health and safety of the animal appears to be endangered, any animal control officer or police officer may use reasonable force to remove such animal. Removal of an unattended animal by an animal control officer or police officer shall not constitute an offense. Prior to the use of reasonable force the animal control officer or police officer shall attempt to contact the owner or operator of the vehicle.

Sec. 14-6. Confinement and observation of Pets biting person.

1. Any Pet known to have bitten any person shall be immediately seized by a police officer of the city and reported at once to the county health department for observation and attention. Such Pet shall be placed in an isolation facility for observation for ten days or

such additional period as the officer may require under Wis. Stats. § 95.21, at the expense of the owner.

2. If the Pet has not been seized, the owner shall, on demand of the person bitten, a police officer or the county health department, immediately deliver such Pet to an isolation facility to be held for ten days for observation at the expense of the owner.
3. The individual or entity that takes responsibility for completing the quarantine of a Pet shall report at the end of such observation without delay to the county health department by telephone and confirmed in writing all reports required by law under Wis. Ch 95 regarding the quarantine.
4. Any person who refuses or fails to deliver such Pet as required shall be subject to a forfeiture as provided in section 1-11.
5. If after five days or such additional time as the chief of police in his discretion may deem advisable following such ten-day observation period, the owner does not claim such animal and pay the cost of keeping such animal, such officer shall dispose of the animal in a proper and humane manner. The chief of police, instead of destroying such animal, may authorize the Rock County Humane Society or another non-profit organization to place the Pet for adoption.
6. If the Pet is a dog or cat and the person has proof of current rabies vaccination, the isolation may be conducted within the owner's home in compliance with Wisconsin statutes.

(Code 1986, § 11.04(4), (5), Ord. 2012-22)

Sec. 14-7. Declaration of vicious animal.

The owner of a vicious animal must remove the animal from City limits or have the animal humanely disposed. An animal may be declared to be a vicious animal by at least two persons employed as a police officer, animal control officer, veterinarian, or the attending physician of a victim of an animal bite or scratch. In making such a declaration the individuals shall consider an animal to be vicious if:

1. An animal which, in a vicious or aggressive manner, approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person or other animal upon the streets, sidewalks or any public grounds, parks or places; or
2. An animal, while on private property, approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a postal worker, meter reader, service person, journeyman, delivery person, or another person or animal that are on the private property with the consent of the owner or occupant of the private property.
3. No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or is not authorized to be upon the premises occupied by the owner of the animal, or who is teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.
4. The following factors may also be considered in making a determination of viciousness.
    a. The nature or severity of the attack or bite.
    b. Whether the animal has shown a propensity to display dangerously aggressive behavior and is able or likely to inflict injury to another animal or person.
    c. Previous incidents of a similar nature.

Sec. 14-8. Disturbing the peace prohibited.

No person may keep a Pet which disturbs the peace by loud or unusual noises at any time of the day or night.

Sec. 14-9. Animals as prizes.

No Person or entity shall offer as a prize or give away any animal, except a small fish in a plastic bag with enough water for the fish to easily move around, in a contest, raffle or lottery, as an enticement to enter any place of business, or to exploit any animal for the purpose of fundraising.

Sec. 14-10. Carcasses

Carcasses of Pets shall be buried or otherwise disposed of in a sanitary manner within 24 hours after death.

Secs. 14-11--14-30. Reserved.

ARTICLE II. DOGS AND CATS

Sec. 14-31. License.

1. *Required.* Every person residing in the city who owns a dog or cat which is more than five months of age on January 1 of any year or five months of age within the license year shall, on or before the date the dog or cat becomes five months of age, and annually thereafter, pay the dog or cat license fee and obtain a license therefore.
2. *Fees.* Such owner shall pay to the city clerk/treasurer the amount as established by the council from time to time by resolution. The owner of any dog or cat who fails to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog or cat, or fails to obtain a license on or before the dog or cat reaches licensable age shall pay an additional late fee as established by the council from time to time by resolution and be subject to further penalties pursuant to section 14-62.
3. *Issuance; tag.* Upon payment to the city clerk-treasurer of the required fee, the clerk-treasurer shall issue to such person a license and tag bearing a serial number in the form prescribed by Wis. Stats. § 174.07, to keep such dog or cat for the license year. The owner shall upon procuring the license place upon the dog or cat a collar and shall securely attach and keep attached the tag furnished to him by the city clerk-treasurer to the collar as required by Wis. Stats. § 174.07. If the owner desires or the animal cannot wear a collar and tag, a micro-chip may be implanted so long as the information is place on file with the City. No license shall be issued under this article for any dog or cat unless the applicant exhibits a certificate of a qualified veterinarian showing that the dog or cat is currently immunized against rabies and distemper. The owner shall attach the rabies vaccination tag to a collar, which shall be kept on the dog or cat at all times, but this requirement does not apply to a dog or cat during competition or training, to a dog while hunting, to a dog or cat securely confined indoors, to a dog or cat securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner, as required by Wis. Stats. § 95.21(2)(f).
4. Every Pet specially trained to lead blind or deaf persons, designated as a service animal to the owner by a licensed medical health professional, or to provide support for mobility-impaired persons is exempt from the license fee.

(Code 1986, § 12.03(7))

(Code 1986, § 12.03(1)--(3); Ord. No. 2000-8, § 1(12.03(2)), 4-11-2000)

Sec. 14-32. Applicability of state law.

The provisions of Wis. Stats. ch. 174 and Wis. Stats. § 95.21, except for imprisonment penalties imposed are hereby adopted and by reference made a part of this chapter as if fully set forth herein.. Any act required to be performed or prohibited by any statute incorporated in this section by reference is required or prohibited under this Code. Any future amendments, revisions or modifications of the statutes incorporated in this section are intended to be made part of this Code.

(Code 1986, § 12.03(4))

Sec. 14-33. Harboring certain dogs or cats prohibited.

No person shall possess, harbor or keep any animal which:

1. Habitually pursues any vehicles upon any public street, alley or highway.
2. Which has been declared vicious.
3. Habitually makes noise to the annoyance of any two or more other persons.
4. Is required to be licensed, but is not.
5. Does not have a valid license tag and current rabies vaccination tag attached to a collar which is kept on the dog or cat whenever the dog or cat is outdoors and not securely confined in a fenced area.

(Code 1986, § 12.03(6))

Sec. 14-34. Reserved.

Sec. 14-35. Removal of waste deposited on public or private property.

(a) *Removal required.* Any person owning or having control of a dog on property, public or private, which property is not owned or occupied by such person, shall promptly remove excrement left by such dog and place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by the person.

(b) *Possession of means of removal required.* Any person causing or permitting a dog to be on any property, public or private, which property is not owned or occupied by such person, shall have in his immediate possession a device or object suitable for removal of the excrement and a depository for the transmission of the excrement to property owned or occupied by the person.

(c) *Penalty.* Any person who fails to comply with any of the provisions of this section shall be issued a warning for the first offense and, upon conviction thereafter, shall be subject to punishment as provided in section 1-11.

(Code 1986, § 12.03(10))

Secs. 14-36 - - 14.39. Reserved

ARTICLE III. EXOTIC ANIMALS

Sec. 14- 40. Licensing requirements.

Any person who resides within the City limits and is the owner of an Exotic Animal which is within the City limits, shall license the Exotic Animal with the city clerk. Every person residing in the city who owns an Exotic Animal on January 1 of any year or within 30 days of acquiring ownership shall annually and thereafter obtain a license.

Such owner shall pay to the city clerk/treasurer the amount as established by the council from time to time by resolution. The owner of any Exotic Animal who fails to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of an Exotic Animal shall pay an additional late fee as established by the council from time to time by resolution and be subject to further penalties pursuant to section 14-62.

Sec. 14- 41. Providing registration information to relevant personnel.

The city clerk shall provide copies of all Exotic Animal registrations to the police department and other emergency rescue personnel which may have reason to enter the premises where wild animals are present for purposes of rescue operations resulting from a natural disaster or personal emergency.

Sec. 14- 42. Prohibited animals

It shall be unlawful for any person to keep maintain or have in their possession or under their control within the City any poisonous reptile or other dangerous animal, hybrid animal, carnivorous wild animal or reptile, vicious or dangerous domesticated animal or any other animal or reptile of wild, vicious, or dangerous propensities. Short term educational exhibits are exempt from this provision.

Sec. 14- 43. Prohibited animals enumerated.

1. In addition to the prohibition in section 14 – 42, it shall be unlawful for any person to keep, maintain or have in their possession or under their control within the City any of the following animals:
    a. Any animal which has been declared to be protected or endangered by the U.S. Department of Interior;
    b. All poisonous animals, including snakes; that upon touch or bite may cause hallucinations, alter cardiopulmonary functions, or even death.
    c. Badgers;
    d. Bears
    e. Beavers
    f. Canids (such as: wolves, foxes, coyotes, jackals, dingoes, or raccoon dogs);
    g. Civet;
    h. Constrictor snakes above six (6) feet in length
    i. Crocodilian (such as: Alligators, crocodiles, or caimans);
    j. Falconiformes (such as: eagles, hawks, owls, or falcons) except falcons and hawks in the possession of a state or federally licensed handler;
    k. Edentata (such as: anteaters, tamaduas, sloths, or armadillos);
    l. Emus
    m. Felids (such as: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots, or bobcats);

n. Game cocks and other fighting birds;
o. Hyenas
p. Marsupials (such as: opossums, Tasmanian wolf, kangaroos, koalas, or wombats);
q. Muskrats
r. Ostriches
s. Porcupine
t. Primates (such as: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs.)
u. Procyonids (such as: raccoons, coatis, kinkajous, ring-tailed cats, or pandas)
v. Rheas;
w. Skunks;
x. Squirrels;
y. Sharks;
z. Ungulates (such as: elephants, zebra, tapirs, rhinoceroses, camel, llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, or gnu);
aa. Water buffalo;
bb. Wart hogs;
cc. Weasels;
dd. Wolverines;
ee. Woodchucks; or
ff. Any other dangerous animal.

Sec. 14- 44. Owner to report escape of Exotic Animal.

The owner or keeper of any Exotic Animal that escapes from their custody or control shall within one hour after they discover or reasonably should have discovered the escape, report it to a law enforcement officer of the City and the County Sheriff where the escape occurred.

Secs. 14-45 - - 14-49. Reserved

ARTICLE IV. CRUELTY TO ANIMALS AND RELATED OFFENSES

Sec. 14-50. Cruelty to animals generally.

No Person shall beat, torture, or injure any animal, nor overload any working animal, nor shall any person abuse, mistreat or neglect any such animal.

Sec. 14.51. Reserved

Sec. 14-52. Humane care of animals.

All persons keeping, possessing and/or in control of an animal shall provide the animal with sufficient food and water, proper shelter, humane care and treatment and veterinary care when needed to prevent suffering. No person shall mistreat any animal nor shall any animal be abandoned. An owner may take an animal they no longer desire to care for to an Animal Shelter licensed by the State of Wisconsin.

Sec. 14-53. Poisoning of Pets.

It shall be unlawful for any person to administer or cause to be administered a substance which they knew or should have known was a poison of any sort whatsoever to any Pet, or to place any poison or poisoned food where the same is accessible to any Pet.

Sec. 14-54. Instigating or allowing fights between animals.

No person shall engage in or allow any fighting between animals of any kind upon their premises or premises in their possession or under their control in the City. No person shall keep any house, pit, or other place to be used in permitting fights between animals. No person shall instigate or encourage any animal to attack, bite, wound, or worry another animal for any bet, stake, reward or entertainment.

Sec. 14-55. Injured or ill animals.

Whenever an animal control officer encounters a stray animal suffering pain, the animal control officer may take the animal to a veterinarian where the cost of any care or treatment shall be borne by the owner of the animal. If ownership of the animal cannot be determined, the animal control officer shall impound the animal for five days unless it appears that a longer impoundment will lead to identification of the owner. If the owner cannot be located the animal may be disposed of by humane means without notice.

Secs. 14-56 - - 14-59. Reserved.

ARTICLE V. COMMERCIAL ANIMAL ESTABLISHMENTS.

Sec. 14-60. Permit Required.

No Person or entity shall operate a commercial animal establishment without first obtaining a permit. An application for a commercial animal establishment permit shall be made to the city clerk, and the applicant shall pay a fee prior to the city clerk issuing a commercial animal establishment permit. No permit shall be granted without an inspection of the premises to determine compliance with this Code and state law. The permit shall be issued for one year, commencing on January 1 of each year. Renewal applications for permits shall be made 30 days prior to and up to 30 days after the start of the calendar year. If there is a change of ownership of a commercial animal establishment, the new owner shall obtain a permit

Sec. 14-61. Operation of Commercial Animal Establishments.

Every Commercial Animal Establishment:

1. Shall be maintained in a clean and sanitary condition and not to allow any refuse or waste material to accumulate.
2. Shall have impervious, smooth and cleanable floors.
3. Shall keep and maintain records for all animals except fish for 1 year that detail the health, status and disposition of each animal that was trained, groomed, bought, sold, kenneled, or was otherwise in the custody of the establishment.
4. Shall post its permit in a conspicuous place open to the public.

5. Shall isolate and treat any animal in its possession which has any disease, injure, or abnormality and may not sell such animal without full disclosure to the buyer of the condition of the animal.
6. Shall furnish the buyer of any animal, except fish, with a written statement of sale showing the date of sale, approximate age of the animal, immunization and medication type and date administered, and the names of both the seller and buyer.
7. Shall take measures to limit the potential creation of a noise nuisance and take measures to mitigate the actual noise at the establishment or premise.
8. A violation of this chapter shall be cause for revocation of the Commercial Animal Establishment Permit.

ARTICLE VI. ENFORCEMENT

Sec. 14-62. Penalties for violations of Chapter 14.

Any person who shall violate any section within this chapter is subject to the penalties set forth in section 1-11 of the City ordinances, in addition to any other remedies or sanctions stated with this Chapter

Passed and adopted this 17th day of March, 2015.

Sandra J. Decker, Mayor

ATTEST:

Judy L. Walton, City Clerk

Introduced: 01/13/2015
Public Hearing Notice published: 01/21/2015, 01/28/2015, 02/04/2015
Second Reading: 03/17/2015
Adopted: 03/17/2015
Published: 04/27/2015

Sponsors: Alderpersons Fuchs and Montgomery