

## **Chapter 119**

### **ANIMALS**

#### **ARTICLE I**

##### **Dog Licensing and Regulation**

**§ 119-1. License procedure; rabies control.**

**§ 119-2. Regulation of dogs.**

**§ 119-3. Confinement and disposition of dogs.**

**§ 119-4. Disposition of vicious dogs.**

**§ 119-5. Violations and penalties.**

#### **ARTICLE II**

##### **Animal Control**

**§ 119-6. Running at large.**

**§ 119-7. Removal of animal waste.**

**§ 119-8. Violations and penalties.**

**[HISTORY: Adopted by the Village Board of the Village of Pleasant Prairie 10-7-2013 by Ord. No. 13-46.<sup>1</sup> Amendments noted where applicable.]**

#### **GENERAL REFERENCES**

Licenses and permits — See Ch. 214.  
Nuisances — See Ch. 234.

Parks and recreation — See Ch. 242.  
Peace and good order — See Ch. 250.

#### **ARTICLE I**

##### **Dog Licensing and Regulation**

**§ 119-1. License procedure; rabies control.**

- A. License required. Every person residing in the Village who owns a dog which is more than five months of age on January 1 of any year shall annually, at the time and in the manner prescribed by law for the payment of personal property taxes, obtain a license therefor.
- B. Fees. Such owner shall pay to the Clerk such fees as are stated in Chapter 214 of this Code.
- C. Issuance of license. Upon receipt of the required fee and the exhibition of the certificate of inoculation required by Subsection E, the Clerk shall issue to such person a license to keep such dog for one year. Such person shall, upon procuring the license, place upon the dog a collar with a tag furnished to him by the Village Clerk.
- D. State regulations. Chapter 174, Wis. Stats., shall apply so far as applicable.
- E. Certificate of inoculation required.

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1. Editor's Note: This ordinance superseded former Ch. 119, Animals, consisting of Art. I, Dog Licensing and Regulation, adopted 10-19-1998 (§ 12.04 of the 1988 Code), as amended, and Art. II, Animal Control, adopted 12-6-1999 (§ 9.08 of the 1988 Code), as amended.

- (1) Vaccination required.
  - (a) Except as provided in § 174.054, Wis. Stats, no person residing in the Village shall own, harbor or keep any dog more than five months of age unless the dog or animal has been inoculated with an anti-rabies vaccine by a veterinarian:
    - [1] During the last 12 months, if the vaccine administered was a "killed one year" rabies vaccine.
    - [2] During the last 36 months, if the vaccine administered was a "multiyear" rabies vaccine.
  - (b) If the owner obtains a dog or brings the dog into the Village after the dog has reached five months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is obtained or brought into the Village unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination.
- (2) Rabies certificate. 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 Wisconsin Department of Agriculture, Trade and Consumer Protection stating the owner's name and address, the name, sex, whether spayed or unspayed, neutered or unneutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date the immunization expires as specified for that type of vaccine by the Centers for Disease Control of the United States Department of Health and Human Services, and the city, village or town where the dog is required to be licensed.
- (3) Vaccination records. Each veterinarian shall retain a copy of the rabies vaccination certificate in a file maintained for this purpose until the date that the immunization expires or until the animal is revaccinated, whichever occurs first.
- (4) Rabies tags. 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. The owner shall immediately attach the rabies vaccination tag or a substitute tag to a collar. The collar with the tag attached shall be kept on the dog at all times. This requirement does not apply to a show 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.
- (5) 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.
- (6) Impoundment and notice thereof. The Police Department may impound any dog that does not carry the rabies tag required by Subsection E(4). If the owner or

keeper of the dog can be ascertained with reasonable effort, he/she shall be notified of the animal's impoundment. The owner or keeper of any dog so impounded may reclaim it by the payment of the fees hereinafter set forth in § 119-3D.

(7) State regulations. Section 95.21, Wis. Stats., shall apply so far as applicable.

F. Prohibition. Wolf-hybrid dogs are not permitted in the Village and as such do not qualify for a dog license.

**§ 119-2. Regulation of dogs.**

A. Definitions. As used in this section, the following terms shall have the meanings indicated:

AT LARGE — A dog is off the premises of the owner and not under the control of the owner or a member of his or her immediate family, either by leash, cord, chain, rope or other physical restraint mechanism.

DANGEROUS — A dangerous dog as used in this section means:

- (1) Any dog which, without provocation, has attacked, bitten or injured any human being or domestic animal on public or private property; or
- (2) Any dog which, without provocation, behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals; or
- (3) Any dog which is owned, harbored or trained primarily or in part for the purpose of dog fighting.

DOG — Any canine animal, male or female, sexed or neutered.

HARBORED — A dog has been fed or sheltered for three or more consecutive twenty-four-hour periods. The definition shall not apply to any veterinary clinic or boarding kennel in the Village.

OWNER or KEEPER — Any person or persons, firm, association or corporation owning, keeping, harboring or possessing a dog.

VILLAGE — The Village of Pleasant Prairie, or the official, agent or employee of the Village designated by the Village Administrator.

B. Running at large.

- (1) No dog may run at large, as defined above, within the Village of Pleasant Prairie. Any owner or keeper of any dog found to be running at large shall be strictly responsible for said dog running at large and shall be subject to the penalty hereinafter provided without regard to whether the owner or keeper intended that the dog run at large.
- (2) Any owner or keeper of a dog found to be running at large within the Village of Pleasant Prairie shall be subject to a forfeiture of between \$1 and \$500.

- C. Limitation on number of dogs. No person shall keep, house or maintain more than four adult dogs one year or older on any separate parcel of real estate located within the Village of Pleasant Prairie unless the property has received a valid conditional use permit from the Village.
- D. Harboring certain dogs prohibited. No person shall own, harbor or keep a dog which:
- (1) Habitually pursues any vehicle upon any public street, highway, or alley.
  - (2) Habitually barks or howls causing unreasonable annoyance to persons of ordinary sensibilities.
  - (3) Is required to be licensed under this article but is not so licensed.
  - (4) Is dangerous as defined in § 119-2 above.
- E. Dangerous dogs.
- (1) Determination. A determination by the Police Chief that a dog has bitten, attacked or injured any person shall constitute a prima facie showing that such dog is dangerous. Any dog cited by the Police Chief as being dangerous shall be immediately impounded at the expense of the owner or keeper.
  - (2) Notice. Within three days of the Police Chief's citation that the animal is dangerous, the Police Chief shall send to the owner or keeper of the alleged dangerous dog a notice by certified mail to said owner's or keeper's last known address, or by personal service, advising the owner or keeper that the dog will be humanely destroyed and setting forth the following options for the owner with respect to said alleged dangerous animal and advising the owner that the animal may only be removed from the Village in accordance with § 119-2E(7) of this chapter.
  - (3) Request for hearing. The owner or keeper may request a special hearing before the Village Board for a determination as to whether or not the dog is dangerous as defined in this Code. The owner or keeper shall be advised that he has 10 days from the date of the mailing of the notice to request such a hearing by filing a written request with the Village Clerk. If such hearing is requested, the hearing will be scheduled within not less than 10 or more than 30 days of the date the written request for hearing is received by the Village Clerk. In such event, upon request, the Police Chief shall, within 10 days, provide the owner or keeper of said dog with a written list of facts upon which the Chief relied in citing the dog as dangerous.
  - (4) Hearing. The issue to be determined by the Village Board in such a hearing is whether the animal is in fact dangerous as determined by the Police Chief. If the Board upholds the Police Chief's determination, within 10 days, the owner must authorize the dog to be forthwith humanely destroyed at the expense of the owner, or the dog must be removed from the Village in accordance with § 119-2E(7). If the Board disagrees with the Police Chief's determination and renders the dog not dangerous, the dog may be released to the owner and the impoundment fees therewith are to be paid by the Village.

- (5) Nonresponse. If the owner or keeper of the dog does not request a hearing before the Village Board or does not request permission to remove the dog in accordance with § 119-2E(7) of this chapter, the owner's or keeper's nonresponse shall be deemed conclusive evidence of the fact that the dog is in fact dangerous, and the dog will be forthwith humanely destroyed at the expense of the owner.
- (6) Impoundment. Any animal charged by the Police Chief with being dangerous shall be impounded at the owner's cost until a determination is made by the Village Board that the dog is in fact not dangerous or the owner makes arrangements to remove the dog from the Village in accordance with § 119-2E(7) of this chapter. All such impoundment charges shall be paid by the owner or keeper of the dog.
- (7) Sale or transfer of animal determined to be dangerous.
  - (a) No person may sell or transfer possession of a dangerous animal to another person or entity without first notifying the person to whom the dangerous animal is being sold or transferred, in writing, of the fact that such animal has been found to be a dangerous animal as a result of a determination by the Police Chief or by the Village Board.
  - (b) No person may sell or transfer possession of a dog found to be a dangerous animal as a result of a determination by the Police Chief or presumptively found to be dangerous by the owner's or keeper's failure to request a hearing by the Village Board, to another person or entity without first notifying the Village Clerk thereof in writing at least five days in advance of the sale or transfer of possession, which notice shall include the transferee's name, address and municipality and where said transferee intends to keep the dangerous animal. Within five days of the receipt of the transfer notice, the Village Clerk shall mail a notice to the clerk of the municipality wherein said dangerous dog is to be transferred advising said clerk of the fact that the dog has been found to be a dangerous animal by the Police Chief or by the Village Board of Pleasant Prairie and that the dog is being moved to that particular municipality.

**§ 119-3. Confinement and disposition of dogs.**

- A. Confinement. The Police Department or any officer appointed by the Village Board shall apprehend any dog running at large within the Village or which does any of the things prohibited under this article and confine the same in a suitable place.
- B. Disposition of unclaimed dogs. The Police Department or keeper of a pound shall keep all dogs apprehended for seven days (unless sooner claimed by the owner or keeper). If any dog is not reclaimed by the rightful owner or keeper within such time, the dog may be sold for the amount incurred in apprehending, keeping and caring for the dog, or it may be destroyed in a proper and humane manner.
- C. Owner or keeper to pay costs. The owner or keeper of any dog so confined may reclaim such dog at any time before the same is disposed of upon payment of all costs and charges incurred in apprehending, keeping and caring for the dog. Such costs and charges



may include expenses for inoculations or other medical treatment of the dog. The owner's or keeper's payment of costs and charges incurred in apprehending, keeping and caring for the dog shall be made directly to the Village Treasurer.

- D. Owner or keeper to post bail. The owner or keeper of any dog so confined shall, in addition to any costs required to be paid under Subsection C, post bail in the following amounts prior to reclaiming the dog:
- (1) For the first offense involving such dog within one calendar year: \$25.
  - (2) For the second offense involving such dog within one calendar year: \$50.
  - (3) For the third offense involving such dog within one calendar year: \$75.
  - (4) For the fourth or more offenses involving such dog within one calendar year: \$100.

#### **§ 119-4. Disposition of vicious dogs.**

Any owner or keeper who defaults in abiding by any of the requirements set for a dog previously determined to be vicious by the Police Chief and/or Village Board and licensed as a vicious dog by the Village prior to the adoption of this chapter shall immediately be impounded by the Police Department. The owner or keeper of the vicious animal shall have 10 days from the date of impoundment to either consent that the dog be humanely destroyed at the owner's expense or make arrangements to remove the dog from the Village in accordance with § 119-2E(7) of this chapter. After 10 days, if the owner or keeper does not consent to the dog being humanely destroyed or does not make arrangements for the dog to be removed from the Village, the dog will be forthwith humanely destroyed at the expense of the owner.

#### **§ 119-5. Violations and penalties.**

In addition to the suspension or revocation of a license issued under this article, any person who shall violate any provision of this article or any regulation, rule or order made hereunder shall be subject to a penalty as provided by Chapter 1, § 1-4, of this Code.

### **ARTICLE II Animal Control**

#### **§ 119-6. Running at large.**

- A. No person having in his possession or under his control any animal or fowl shall allow the same to run at large in or upon any street, bike path, trail, walkway, beach, public ground, or park or within any platted subdivision or within any residential, institutional, commercial or manufacturing zoning districts within the Village, except on any parcel owned or occupied by such person in the Village.
- B. No livestock shall be kept closer than 200 feet to any dwelling located on an adjacent property.

- C. Any animal beyond the boundaries of its owner's property or the property of the person in custody or control of said animal must be under positive control by leash.

**§ 119-7. Removal of animal waste.**

- A. It shall be unlawful for the owner or person in custody or control of any animal to allow such animal to defecate or urinate upon the public property of the Village, the rights-of-way of the Village and the private property of another other than the owner or keeper of said animal.
- B. If such animal shall defecate upon property other than that of the owner or keeper of the animal, the owner or keeper must immediately clean up the feces and make proper disposition of it so as not to endanger the health and safety of the public.
- C. If an animal shall defecate upon the property of the owner or keeper of such animal, the owner or keeper must clean up the feces and make proper disposition of it within a reasonable period of time so as not to endanger the health and safety of the public.

**§ 119-8. Violations and penalties.**

Except as otherwise provided, any person who shall violate any provision of this article shall be subject to a penalty as provided by Chapter 1, § 1-4, of this Code.

