

Ordinance No. 375
Animal Regulations and Treatment

Table of Contents

375.01 Definitions	3
375.02 Licensing Required	8
375.03 Rabies Vaccination	10
375.03A Rabies Vaccination - Ferrets	10
375.04 Animals At Large or Untagged	11
375.05 Harboring or Keeping Barking Dogs.....	13
375.06 Animal Waste	14
375.07 Animal Care and Cruelty to Animals.....	15
375.07A Abatement of Violations	18
375.08 Impound, Quarantine and Violation Notices	20
375.09 Livestock At Large.....	22
375.10 Commercial Animal Establishments	23
375.11 Licensing Required - Pot-Bellied Pigs.....	25
375.12 Exotic Animals – Permit Required	26
375.13 Inspection Required - Circuses and Theatrical Exhibitions	28
375.14 Disposition of Carcasses.....	29
375.15 Enforcement	30
375.16 Penalties	31

Whereas, the County Board finds that the County has the responsibility to protect animals in Iowa County and that the way our communities respond to its animals reflects how those communities respond to their citizens.

Whereas, the County Board finds that the citizens of and visitors to Iowa County should treat animals as more than just lifeless chattel property.

Whereas, the County Board recognizes that the human/animal relationship is a special relationship that improves the lives of people and reflects basic humanitarian beliefs.

Whereas, the County Board finds that the public mind-set towards animals must shift to a more humane, compassionate, ethical and progressive attitude.

Whereas, the County Board is opposed to animal owners who refuse to provide adequate care and supervision for the animals in their care.

Whereas, the County Board respectfully requests that our courts strictly enforce animal cases to the fullest extent possible by law and treat animal abuse as a serious offense, as all types of abuse must be considered unacceptable behavior.

Whereas, every person pursuant to Chapter 174 Wisconsin Statutes, residing in the County of Iowa, who owns a dog that is at least five (5) months of age is subject to regulation.

Whereas, the Iowa County Justice Services Committee recommends the County Board enact the following ordinances governing the regulation and humane treatment of animals.

Now therefore, pursuant to the provisions of Chapter 170, 172, 173, 174, 951 and 95. 21 of the Wisconsin Statutes, the County Board of Supervisors of the County of Iowa does ordain as follows:

Amending Code: The code of Iowa County ordinances is hereby amended by adding thereto Section 375 Animal Regulations and Treatment, a new section to read as follows:

Purpose and Intent. The purpose of this ordinance is to promote health, safety and general welfare of domestic or kept animals and the people around them by requiring that animals be cared for in a manner befitting a living, feeling entity and in such a manner that they will not become a public nuisance, requiring animals be properly fed, sheltered and cared for, requiring the removal of animal defecation from public property and to ensure licensing and rabies vaccination of all dogs and other animals as required in Iowa County.

Jurisdiction. This ordinance applies to all incorporated and unincorporated areas of Iowa County unless superceded by state statute or local municipality ordinance.

Ordinance 375.01 – Definitions. As used in this ordinance, the following terms mean:

1. **Abandonment**. An owner's intentional act of abdicating reasonable care or control of an animal in a location where a reasonable person would know the animal has little chance of finding food, shelter or potable water.
2. **Adult Dog**. A dog over five (5) months of age.
3. **Animal**. Any live vertebrate or invertebrate creature, either domestic or wild.
4. **Animal at Large**. An animal shall be deemed to be at large when off the property of the owner and not under restraint or control. Verbal commands do not necessarily constitute control of an animal. Animals unsecured in the back of a pickup truck are not considered under control for purposes of this definition.
5. **Animal Control Officer**. Any person designated by the Iowa County Sheriff's Department to enforce county ordinances and state statutes, adopted by reference, as they pertain to animal control.
6. **Animal Shelter**. Animal shelters are facilities that are used to impound or harbor at least 25 seized, stray, abandoned or unwanted dogs, cats or other animals in a year's time. A shelter may be operated by a governmental unit or a licensed veterinarian. It may also be a facility that promotes the welfare, protection and humane treatment of animals! such as those operated by humane societies, animal welfare societies or similar nonprofit associations.
7. **Basic Grooming**. Examination, attention and acts necessary to maintain an animal in healthy condition. This includes eyes, ears, beaks, hooves, feet, toe nails, coat and skin.
8. **Basic Medical Care**. Medical care required by the species to ensure optimal health of the animal. Includes, but is not limited to, periodic veterinarian examination, prompt veterinary care when required, appropriate vaccinations, basic grooming and internal/external parasite control.
9. **Commercial Animal Establishment**. Any person, partnership or corporation or other legal entity that has as its purpose the sale, transfer or conveyance of any animal/animal services for consideration including! but not limited to, monetary, trade or barter. It shall include, but not be limited to, any pet shop, grooming shop, boarding or breeding kennel/cattery or any establishment with the purpose of training, leasing or selling dogs. It shall not include licensed animal hospitals, animal shelters or humane society facilities.
10. **Confined**. Restriction of an animal at all times by the owner, or his agent, to an escape proof building or other enclosure.
11. **County Pound**. A shelter where stray, impounded I lost or abandoned animals are kept and administered by Iowa County or its authorized agent.
12. **Cruelty**. A person intentionally and without lawful justification, kills or mistreats, injures, maims, disfigures, torments, tortures, beats, mutilates, burns, scalds, poisons, attempts to poison, shoots or otherwise unnecessarily causes an animal to suffer any type of harm. Acts of cruelty include but are not limited to:
 - a. Failure to provide necessary sustenance.

- b. Failure to provide adequate, appropriate shelter.
 - c. Failure to provide adequate potable water.
 - d. Taunting an animal.
 - e. Leaving an animal in a vehicle when the temperature is such that it could cause pain, suffering or death to an animal.
 - f. Abandonment or neglect of an animal.
 - g. Inaction of the owner toward an animal in need of basic or emergency medical care.
 - h. Ear cropping, de-barking, tail docking or alteration by an individual who is not a licensed veterinarian.
13. **Domestic Animal**. Any animal which normally can be considered tame and converted to home life.
 14. **Dwelling Unit**. A building, or portion thereof, designed or used exclusively for residential purposes.
 15. **Environmental Enrichment**. Toys and other safe objects which stimulate mental and physical activities for dogs and cats and that are appropriate for the age and species.
 16. **Estrus**. The regularly recurring state rendering a female animal capable of accepting the male animal for breeding and conception.
 17. **Exotic Domestic Animal**. Any wild animal which may have been domesticated, such as, but not limited to, ferrets.
 18. **Exotic or Wild Animals**. Species of animals that is exotic to humans. This includes animals which are born in the wild or in captivity and includes any or all hybrids, such as, but not limited to: lions, cougars, wolves or wolf hybrids, raccoons, opossums, kangaroos, primates, exotic snakes, exotic cats etc.
 19. **Exotic or Wild Animal Permit**. Permit allowing a person to own a permissible exotic or wild animal within Iowa County. A permissible exotic/wild animal is an exotic or wild animal which is permitted by State or Federal law.
 20. **Harness**. With respect to a dog, a properly fitting apparatus that is not abrasive and that restrains the dog by the body and shoulders without involving the neck.
 21. **Health Officer**. Iowa County Director of Health or a duly designated representative of the Iowa County Department of Public Health.
 22. **Humane Care**. Humane care includes the provision of adequate and accessible food and water, as well as heating, cooling, ventilation, sanitation, shelter and medical care consistent with the normal requirements, based on the animal's size, species and breed. The animals must also be provided space and opportunity for exercise.
 23. **Humane Officer**. A person certified by the State of Wisconsin and appointed by the Iowa County Board of Supervisors pursuant to Wis. Stat. § 173.03(1) to enforce county ordinances and state statutes as they pertain to animal control and welfare. Humane Officer appointments under this Ordinance shall be for a term of three years or such other length as determined by the Iowa County Board

of Supervisors at the time of appointment. Termination of Humane Officer appointments shall be at the discretion of the Iowa County Sheriff.

The Humane Officer section was repealed and recreated, Ordinance 375A, 08-15-2017

24. **Kennel**. Kennels are facilities where dogs or cats are kept for 24 contiguous hours or more for boarding, training or similar purposes for compensation. The definition of "kennel" does not include an animal shelter or a facility owned or operated by a veterinarian where animals are boarded only in conjunction with the provision of veterinary care.
25. **Lawful Jurisdiction**. A strictly construed defense to a charge of cruelty based on an immediate need to defend a threatened person or animal from imminent attack by an animal apparently capable of causing death or serious bodily harm to the threatened person or animal.
26. **Licensing Authority**. The licensing authority shall be the municipality (township, village or city treasurer) or its delegated collecting agent.
27. **Livestock**. Animals such as cattle, sheep, pigs, goats, poultry and similar animals kept for domestic purposes but not as pets.
28. **Minimum Age Sale**. Dogs and cats must be at least eight (8) weeks of age and weaned before they can be sold, given away or re-homed.
29. **Neglect**. Failure of an owner to provide care and comfort to an animal in the owner's custody and which causes the animal to suffer any type of harm.
30. **Owner**. Any person who owns, harbors or keeps an animal. Where an animal is kept by a family, the adult owner(s) shall be responsible for the requirements of this ordinance. Any animal shall be deemed to be harbored if it is fed and/or sheltered for seven (7) or more consecutive days.
31. **Parasite Control**. Protection against pests such as insects, ticks, fleas, worms and other organisms living or seeking to live in or on an animal. Parasite control must be used to provide protection against parasites in all living areas the animal has access to as well as on the body of the animal.
32. **Pet Breeder**. Any individual who owns three (3) or more intact female dogs or cats and that uses them for breeding purposes and who sells, offers to sell, exchanges, trades or offers for adoption their offspring. Any individual who sells, offers to sell, exchanges, trades or offers for adoption over twelve (12) dogs or cats in a calendar year. Animal shelters and recognized rescue organizations are exempt.
33. **Pet Dealers**. Pet dealers are individuals, other than Pet Breeders, who sell or offer to sell at retail, exchange or offer for adoption at least 25 animals (with some exceptions, such as livestock) for adoption as pets in a calendar year.
34. **Potable Water**. Water that is clean and safe for drinking purposes.
35. **Public Nuisances**. Any animal or animals which:
 - a. Attacks, harasses or molests passersby or passing vehicles.
 - b. Attacks persons or animals without provocation.
 - c. Trespasses on school grounds, parks or cemeteries.

- d. Is repeatedly at large.
 - e. Damages private or public property.
 - f. Barks, whines, howls, yelps or makes other continuous disturbing noises which offends the peace and quiet of the neighborhood.
 - 1. Continuous disturbing noise is defined as noise which goes on for 15 minutes or more or which occurs for a total of 20 minutes or more in a one-hour period.
36. **Restraint**. Securing an animal by a leash or lead, having an animal under the control of a responsible person and obedient to that person's command, or having the animal within the real property limits of his owner.
37. **Shelter**. An enclosure or structure to protect or house animals.
38. **Render Sterile**. A surgical procedure (neutering or spaying) that has been performed on an animal that renders it incapable of siring or bearing offspring.
39. **Theatrical Exhibition**. Any exhibition or act for entertainment purposes featuring performing animal(s). Theatrical exhibitions shall not include dog and cat shows sanctioned or sponsored by kennel or breed clubs, 4-H clubs, horse or livestock shows.
Circuses are one example of a theatrical exhibition.
40. **Trained Individual**. Has the meaning as defined in Wisconsin Administrative Code ATCP 13.
41. **Transportation**. DATCP (Department of Agriculture, Trade and Consumer Protection) regulations must cover the transportation or moving of animals by persons required to be licensed.
42. **Veterinarian**. Has the meaning as defined in Wisconsin Administrative Code ATCP 13 .
43. **Veterinary Hospital/Clinic**. Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.
44. **Vicious Animals**. Any animal that, when unprovoked, inflicts bites or that injures, kills or attacks a human being or domestic animal on either public or private property.

Notwithstanding the definition of "vicious animal" as stated above:

- A. No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time of such was sustained, was committing a trespass of the land or criminal trespass of the dwelling upon premises occupied by the owner of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.
- B. No animal may be declared vicious if the animal was protecting or defending a human being within immediate vicinity of the animal from an unjustified attack or assault.

C. No animal may be declared vicious for acts committed by said animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer.

45. **Wild Animal.** Any live raccoon, skunk, fox, wolf, poisonous snake or any snake exceeding three (3) feet in length, leopard, panther, tiger, lion, lynx or any other cold- or warm-blooded animal which can normally be found in the wild state.

ANY REFERENCE TO GENDER IN THIS ORDINANCE IS DEEMED TO BE GENDER NEUTRAL AND SHALL NOT AFFECT THE APPLICABILITY OF ANY PROVISION HEREIN.

375.02 – **Licensing Required** (1) License Required.

A. **Dog License**

1. Any person owning, keeping, harboring or having custody of any dog over five (5) months of age, within the County of Iowa, must obtain a license as herein provided.
2. Written application for licenses shall be made to the licensing authority, which shall include the name and address of the applicant, description of the animal, the appropriate fee and rabies certificate issued by a licensed veterinarian, and if applicable, written proof that the animal has been rendered sterile. Only a licensed veterinarian may administer a rabies vaccination and sign a rabies certificate.
3. Licensing for the keeping of dogs shall be for a period of one (1) calendar year.
4. Application for license must be made within 30 days after obtaining a dog over four (4) months of age, except that this requirement will not apply to a nonresident keeping a dog within Iowa County for not longer than 30 days.
5. Upon acceptance of the license application, fee and rabies certification, the licensing authority shall issue a paper license along with a durable tag, stamped with an identifying number and the year of issuance. Tags should be designed so they may be conveniently fastened or riveted to the animal's collar or harness.
6. The licensing authority shall maintain a record of the identifying numbers of all tags and shall make this record available to the public.
7. The license year commences on January 1st and ends on the following December 31st. applications for license may be made 30 days prior to the license year. Persons applying for a license during the license year shall be required to pay fifty percent (50%) of the fee stipulated in this section if the animal becomes five (5) months of age after July 1st of the licensing year.
8. The licensing authority, or agent, shall assess and collect a late fee of twenty five dollars (\$25.00) if the owner fails to obtain a license prior to April 1st of each year, or within 30 days of acquiring ownership of a licensable animal, or if the owner fails to obtain a license on, or before, the animal reaches five (5) months of age. The twenty five dollar (\$25. 00) late fee collected shall be paid as follows: \$15. 00 into the local treasury as revenue of the township, village or city in which the license was issued and \$10. 00 into a low cost spay/neuter assistance program for pets of low income, seniors or other qualified citizens.
9. A license shall be issued after showing evidence of current rabies vaccination and payment of the applicable fee. Applicable fee will be per the state of Wisconsin or per ordinances of the city, village or township where residing.
 - a) For each dog not rendered sterile.

- b) For each dog rendered sterile.
- 10. A duplicate tag may be obtained from the licensing authority. A new tag with a new number shall be furnished to the owner in place of the original tag upon presentation of the license. The licensing authority shall then endorse the new tag number on the license and shall keep a record in the file.
- 11. No person may use any license for any animal other than the animal for which it was issued.

B. Multiple License

- 1. Any person who keeps more than one dog may, instead of the license tax for each dog required by this ordinance, apply to the licensing authority or agent for a multiple dog license for the keeping of the dogs.
- 2. Upon payment of the required multiple dog license tax and upon presentation of evidence that all dogs over five (5) months of age are currently immunized against rabies, the licensing authority shall issue the multiple dog license and a number of tags equal to the number of dogs authorized to be kept by the person.
- 3. Applicable fee will be per the state of Wisconsin or per ordinances of the city, village or township where residing.
 - a) Set fee for 12 or fewer dogs.
 - b) Additional fee for each dog in excess of 12.
- 4. Unless clearly inapplicable, all the provisions of this ordinance relating to the individual dog license tax, licenses and tags shall apply to the multiple dog license.

375.03 **Rabies Vaccination Required**

(1) The owner of a dog shall have the animal vaccinated by a veterinarian within 30 days after the animal has reached four (4) months of age. An owner who imports an animal into Iowa County that has reached four (4) months of age must have the animal vaccinated by a licensed veterinarian, as evidenced by a current certificate of rabies vaccination from Wisconsin or another state.

(2) The owner of an animal shall have the animal re-vaccinated:

- a. Within one (1) year after initial vaccination.
- b. Before the date that the immunization expires as stated on the certificate.
- c. If not date is specified, within three (3) years after the previous vaccination.

375.03A **Rabies Vaccination Required-Ferrets** Any ferret kept in Iowa County over the age of three (3) months is required to be vaccinated against rabies.

375.04 **Animals At Large or Untagged**

1. All domestic or kept animals shall be kept under restraint at all times by either a secure fence, secure enclosure, inside a vehicle with proper ventilation, secured in the back of a pickup truck or on a leash accompanied by a person able to control the animal and shall not be permitted to run at large.
2. All owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
3. Any animal declared "vicious" as defined in section 375. 01 of this ordinance shall comply with the following requirements:
 - a. While on the owner's or caretaker's property, a vicious animal must be:
 - i. Securely confined indoors.
 - ii. Kept 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.
 - b. While off the owner's or caretaker's premises, the vicious animal must be muzzled and restrained by a substantial chain or leash not exceeding four (4) feet in length and under the control of a responsible person. 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 or injuring any person or animal.
 - c. The Animal Control Officer, Humane Officer or any law enforcement officer, after conducting an investigation into the circumstances surrounding an unprovoked animal attack, is hereby empowered to declare the animal vicious. Any animal owner aggrieved by said order may petition the Iowa County Sheriff's Department for a review of the order in accordance with the procedure set forth herein.
 - i. Upon receipt of the petition of the aggrieved owner, the Iowa County Sheriff's Department shall schedule and conduct a hearing.
 - ii. The hearing shall be conducted in conformance with WI Stats, Chapter 227, Administrative Procedure and Review.
 - iii. After the hearing, the owner, or keeper, of the animal shall be notified in writing of the determination.
 - iv. If the owner or keeper of the animal contests the determination, he/she may, within 30 days, petition for review of the decision by the Iowa County Circuit Court.
 - d. In the event the animal control officer, humane officer or law enforcement officer, has probable cause to believe that an animal has caused serious injury by attacking a person or persons without provocation, the officer may proceed under Chapter 174 Stats.
4. Dogs must wear license and rabies vaccination tags at all times when off the premises of the owner with the following exceptions:
 - a. During competition.
 - b. During training.

- c. While securely confined indoors.
 - d. While hunting.
 - e. While securely confined in a fenced area.
 - f. While herding or controlling livestock.
5. The provisions of section 174.02, WI Stats relating to the owner's responsibility for damage caused by dogs together with the penalties therein set forth are hereby adopted and incorporated by reference.

375.05 Harboring or Keeping Barking Dogs

1. PROHIBITED. It shall be unlawful for any person knowingly to keep or harbor any dog(s) which habitually barks, howls or yelps or creates continuous disturbing noise to the great discomfort of the peace and quiet of the neighboring area, or in such manner as to materially disturb or annoy persons in the neighboring area who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance.
 - a. This shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the township pounds.
 - b. Continuous disturbing noise is defined as noise which goes on for 15 minutes or more or which occurs for a total of 20 minutes or more in a one-hour period.

375.06 **Animal Waste**

1. It shall be unlawful for any owner of an animal within the county of Iowa to allow their animal to urinate or defecate on another's land or any public right of way. In the event the animal defecates on another's land or any public right of way, the owner shall immediately remove the feces in a sanitary manner.
2. All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance free manner. Droppings and manure shall be removed and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.

375.07 **Animal Care and Cruelty to Animals**

In the case of livestock, nothing in this section shall be construed as imposing requirements or standards more stringent than normally accepted husbandry practices as provided by Federal and/or State legislation.

1. **Food**. All animals shall be provided with uncontaminated, palatable, nutritious food which is of adequate quantity to maintain normal weight and condition of a healthy animal and which must be given in an amount that properly conforms to the individual animal's age and condition.
2. **Water**. All animals must have constant access to a supply of potable water in sufficient amount as to maintain good health.
3. **Basic Grooming**. All animals shall be groomed in accordance with the definition listed in this ordinance. Basic grooming is to ensure maintenance of healthy conditions of eyes, ears, beaks, hooves, feet, toe nails and skin and to ensure that toe nails or hooves are not so long as to cause pain to the animal or inhibit the animal's ability to move normally. Hair coats are to be groomed as needed to ensure the coat is not matted to the point where it causes skin irritation or traps fecal matter. No animal shall be so dirty as to provide a home for parasites and insects.
4. **Environmental Enrichment**. All dog and cat owners shall provide toys and other safe products appropriate for the species that will stimulate mental and physical activities.
5. **Shelter**. No person shall fail to provide any animal that he/she owns, harbors or has custody of with shelter from inclement weather or to ensure the protection and comfort of the animal. Premises shall be kept in such a way that no animal has the opportunity to become entangled with loose wire, get splinters from wooden boards or come into contact with other yard trash that could harm the animal. Animals are to be kept in areas free from contact with chemicals or other dangerous substances such as, but not limited to, antifreeze or products used in rodent control. Animals are to be kept in areas which must be maintained to minimize the animal's exposure to fleas, ticks, flies, mosquitoes, ants, wasps, bees or other insects that could cause the animal harm or discomfort. Animal areas are to be well-drained and free from standing water.
 - a. In the case of dogs and cats which are kept outdoors or in an unheated enclosure, shelter and bedding shall be provided as set forth in this section as a minimum.
 - i. **Outdoor Standards**. When sunlight is likely to cause overheating or stress to any animal, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. A dog house may be insufficient shelter from the sun as it may be too hot inside when exposed to direct sunlight. Additional shade may be necessary. Dogs and cats kept outdoors shall be provided with moisture resistant and wind resistant shelter of a size which allows

the dog or cat to turn around freely and to easily sit, stand and lie in a normal position and to keep the dog or cat clean, dry and comfortable. Plastic dog crates, 55 gallon drums, crawl spaces under houses or porches, roof overhangs etc. may not be deemed adequate or acceptable forms of shelter. Clean bedding material shall be provided at all times For insulation, to retain body heat of the dog or cat and to provide a comfortable resting place for the animal. Feces shall be removed as specified in 375. 06 (2).

- ii. **Indoor Standards**. All animals confined to a cage, kennel run or secure enclosure of any kind shall be provided with quarters in a clean condition and in good state of repair. Each animal shall have sufficient space to turn around freely and to easily sit, stand and lie in a normal position. The temperature and ventilation of the quarters shall be compatible with the health of the animal. There shall be sufficient clean, dry bedding to meet the needs of each individual animal and feces shall be removed as specified in 3 75. 06 (2).
6. **Allowed Exotic or Wild Animals**. Owners of exotic or wild animals are responsible for knowing and meeting the specific needs of the animals in their care including safe handling practices and safe, secure housing requirements for the species which they harbor/own. Ignorance of these needs will not be a defense against prosecution for failure to provide proper care and housing.
7. **Female Animals in Estrus**. While a female companion animal is in estrus (heat), she shall be isolated and protected from interaction with intact male companion animals of the same species unless breeding is intended.
8. Chains, ropes or leashes shall be so placed or attached that they cannot become entangled with another animal or object and shall be of sufficient length to allow the animal proper exercise and convenient access to food, water and shelter. For confinement of companion animals such as dogs, chains, ropes and leashes must be attached to a suitable collar or harness. **Under no circumstances are chains, ropes or leashes to be attached directly around a dog's neck.** Such chains, ropes or leashes shall be located so as not to allow such animal to trespass on public or private property belonging to others or in such a manner as to cause harm or danger to persons or other animals.
9. **Basic Medical Care**. No person shall fail to provide any animal that he/she owns, harbors or has custody of with veterinary care when needed to protect and ensure the health and well-being of the animal and/or to prevent suffering or harm of any type.
10. No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or use any device or chemical substance whereby pain, suffering or death may be caused, whether belonging to that person or another, except that reasonable force may be used to drive off vicious or trespassing

animals. This provision does not prohibit training techniques or husbandry practices which are acceptable under Wisconsin law.

11. No person shall abandon any animal he/she owns, harbors or has possession of.
a. The trapping and releasing of any animal into another area or the trapping and drowning of any animal is strictly prohibited.

12. No person shall transport any animal in their possession in a manner which could cause injury, pain, undue stress or death to the animal.

a. **Pick-up Trucks**. Animals that are transported on a public roadway in the bed of a pick-up truck must be humanely restrained in such a way as to prevent the animal from falling or jumping from the truck, must be protected from extreme weather conditions (heat, cold or rain) and must be provided with a non-metal surface to stand/sit upon.

Acceptable humane restraints:

1. a harness with two fixed point fastening locations at least two feet apart to prevent the animal from jumping/falling out of the vehicle or strangling.
2. a crate or enclosure securely fastened to the bed or sides of the truck so that it cannot turn over or fall out.

b. **Cars, vans, SUV's, RV's etc.**

- i. Animals which are not restrained by crates or other enclosures while riding inside vehicles must not be allowed access to windows opened wide enough for the animal to jump or fall out.
- ii. Animals left unattended in vehicles must have adequate ventilation to prevent the temperature in the vehicle from rising high enough that any reasonable person would know the animal would/could suffer from heat exposure. **During warm months no amount of ventilation will prevent a vehicle from becoming too hot.** If it is determined by law enforcement or the Humane Officer that an animal is in immediate danger and reasonable effort has been made to notify the vehicle owner without success, law enforcement or the Humane Officer may enter the vehicle by whatever means is necessary and may seize the animal without being liable to the owner.

c. **Transporting More Than One Animal**. In addition to the other regulations in this section, animals should never be overcrowded. Animals may share crates as long as there is adequate room for them to stand up, move around, lie down and stretch out comfortably. Multiple crates must be secured if stacked to prevent them from falling over and urine and feces must not be able to pass between crates.

13. No person shall cause, instigate or permit any dog fight, cock fight or other combat between animals or between animals and humans.

14. No person shall expose any poisonous substances, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it

shall not be unlawful for a person to expose, on that person's property, poisons designed for the purpose of rodent or pest elimination. This provision shall not prohibit health department personnel or licensed pest-control operators from providing rodent or pest-control services.

15. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and shall attempt to report such injury or death to the animal's owner or the Iowa County Sheriff's Department.
16. No theatrical exhibit or act shall be held in which animals are forced to perform through the use of chemical, electrical or mechanical devices.
17. Use of animals or birds as prizes is forbidden. No person, organization or entity shall offer as a prize or give away any animal or bird in any contest, raffle or lottery as an enticement to enter any place of business.
18. No person shall knowingly or intentionally torment, injure or kill an animal with the intent to threaten, intimidate, coerce, harass or terrorize a family or household member.
19. **Minimum Age Sale/Re-homing of Underage Animals**. No person may sell, give away or re-home any animal unless it is at least eight (8) weeks of age and fully weaned.

375.07A: Abatement of Violations

(This section was repealed and recreated, Ordinance 375A, 08-15-2017)

1. **Abatement Order**. Pursuant to Wis. Stat. § 173.11(11), if a humane officer or law enforcement officer after investigation has reasonable grounds to believe that violation of a statute or ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the humane officer or law enforcement officer may issue and serve an order of abatement directed to named persons. The form Abatement Order, as appended to this Ordinance, shall contain all of the information prescribed by Wis. Stat. § 173.11(1m). An official designated in an ordinance under Wis. Stat. § 173.03(2) may not participate in the decision to issue the order or in any activity leading to that decision.
2. **Designation of Reviewing Official**. Pursuant to Wis. Stat. § 173.03(2), the Iowa County Sheriff or his/her designee is hereby designated to affirm, modify, or withdraw abatement orders issued by the Iowa County Humane Officer or a law enforcement officer under Wis. Stat. § 173.11.
3. **Hearing**. Pursuant to Wis. Stat. § 173.11(2), any person named in an abatement order issued under this ordinance pursuant to Wis. Stat. § 173.11(1) may, within the 10-day period following service of the order, request a hearing before the official designated in Subsection 2 above. The request for a hearing must be delivered to the attention of the Iowa County Sheriff at 1205 N. Bequette St., Dodgeville, WI 53533. The hearing shall be held within 10 days after the request is made, unless the requester agrees to a later date. The hearing shall be informal in nature.

4. **Decision**. Pursuant to Wis. Stat. § 173.11(3), within 10 days after a hearing under Subsection 3 above, the official who conducts the hearing shall affirm the order, modify and affirm the order, or withdraw the order.
5. **Appeal**. Pursuant to Wis. Stat. § 173.11(4), any person adversely affected by a decision under Subsection 4 above may seek judicial review by commencing an action in circuit court within 30 days after the date on which the decision is issued.

375.08 Impound, Quarantine and Violation Notices.

1. Unrestrained animals and animals running at large shall be taken by Town Chairpersons/Village Presidents or their designated representative or animal control officer and impounded in a temporary or permanent animal shelter and confined in a humane manner per State Statutes 60. 24/61. 24.
2. An owner reclaiming an impounded animal shall pay the impoundment fee and expenses to the pound master, or any other authorized agent, and comply with provisions of 375.02 and 375.03 prior to the release of the animal. If the owner does not pay fees, expenses, license and reclaim the animal within seven (7) days of being notified of the impoundment, the animal will be put up for adoption without further notification, at the owner's expense. If the animal is adopted, the expenses and fees may be paid for by the new owner. The original owner is responsible for the cost of an impounded animal even if the animal is not reclaimed.
3. Any animal not reclaimed by its owner within seven (7) days becomes the property of the authorizing agent and may be placed for adoption or humanely euthanized.
4. If any animal with a current rabies certificate is involved in a bite incident, the owner shall isolate and confine the animal under the supervision of a licensed veterinarian for at least ten (10) days from the date of the incident. Supervision by a veterinarian includes, at a minimum:
 - a. Examination of the animal on the first day by a licensed veterinarian or a trained individual.
 - b. Examination of the animal on any day between Day Two (2) and Day Nine (9) by a licensed veterinarian or a trained individual.
 - c. Examination of the animal on Day Ten (10) by a licensed veterinarian only.
5. Any animal involved in a bite incident that has not been vaccinated, or has not been re-vaccinated within the prescribed times, must be confined at a veterinarian's clinic and be under the supervision of a licensed veterinarian as defined above. Any animal bite or scratch which is treated by a physician or physician's assistant shall be reported to the Iowa County Sheriff's Department within 24 hours of the incident. The incident shall be reported by the animal's owner and/or the victim or the victim's guardian.
6. Any animal involved in a bite incident whose owner resides outside of Iowa County, shall be impounded at the office of a local veterinarian. This impoundment will be at the owner's expense and will be mandatory regardless of the status of current vaccination(s) of the animal. This provision is for public safety and the effective management of animal quarantine as set forth in the ordinance.
7. Any law enforcement officer, health officer, animal control officer or Humane Officer with reasonable cause to believe an animal has bitten a person or been in contact with a rabid animal shall issue a quarantine order. A quarantine order

may be delivered by personal service, registered mail or by posting a quarantine sign in two (2) conspicuous places on the property.

8. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill the animal only as a last resort, or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. 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 and may be infected with rabies.
9. Failure of the owner to deliver an animal to a veterinarian as directed by the Iowa County Sheriff's Department or any authorized law enforcement officer within Iowa County, within 24 hours after notice, shall be sufficient cause for a judge to issue an order authorizing the animal control officer or responsible agency to seize the animal and make such delivery as intended, at the owner's expense. 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.

375.09 **Livestock at Large**. No livestock shall run at large at any time except to go from one farm parcel to another. If the owner or keeper of livestock knowingly permits livestock to run at large and, after notice either in writing, in person, by mail or by telephone, by any peace officer fails to remove the livestock, the owner or keeper may be fined for violations of this section. The owner or keeper of animals shall be held responsible for any costs incurred for damage caused by or for removal of animals which are in violation of this section.

375.10 **Commercial Animal Establishments--Permits and Inspections Required.**

No person shall operate a commercial animal establishment without first obtaining a permit from the Iowa County Humane Officer or other designated county agency in compliance with this section. Commercial animal establishments are:

1. Pet Dealers
2. Pet Breeders
3. Kennels
4. Dog Day Care facilities
5. Pet Shops
6. Grooming Shops
7. Other

- a. **Regulations.** Facilities will be inspected annually by the Humane Officer or other designated official to ensure safe, hygienic housing and grounds as well as adequate care (including but not limited to feed, water, and medical) for any and all species of animals being kept or housed on the premises as well as compliance with any state or federal regulations as required by the nature of the business.
- b. **Issuance.** Upon application for a permit, payment of the permit fee and completion of a satisfactory inspection by the Humane Officer or designated law enforcement official, a permit will be issued.
 - i. **Term.** The permit period will run the calendar year from January 1st through December 31st and must be renewed annually. Renewal applications for permits shall be made 60 days prior to and within 60 days after the start of the calendar year. Failure to renew the permit within this time frame will result in a twenty five dollar (\$25) late fee being assessed and/or revocation of the permit.
 - ii. **Change in Ownership.** If there is a change in ownership, the new owner must apply for a new permit issued in their name within sixty (60) days of change in ownership.
 - iii. **Exception to Fee.** No fee may be required of any bonafide animal shelter, licensed veterinary clinic or grooming shop located within either entity.
- c. **Application Procedure:**
 - i. Each commercial animal establishment shall file an application annually within the time periods provided in section 375.10 of Ordinance 375.
 - ii. Permit application forms are available from the Iowa County Sheriff's Department.
 - iii. Upon receipt of a completed application, the Iowa County Humane Officer or other designated authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of Ordinance 375, state and/or federal regulations. The

Humane Officer or other designated authority shall be permitted to make such inspections of any commercial animal establishment at any reasonable time during normal business hours.

- iv. The Iowa County Humane Officer or other designated authority shall either issue a permit to the applicant or, if an application is not granted, shall notify the applicant in writing of the specific reasons for denial.
- v. Any commercial animal establishment denied a permit may not reapply for a period of at least thirty (30) days.
- vi. If an applicant is shown to have withheld or falsified any material information on the application, the Iowa County Humane Officer or designated authority may refuse to issue or may revoke a permit.

d. **Revocation of Permits:**

- i. The Iowa County Humane Officer or designated authority may revoke any permit if the person holding the permit refuses or fails to comply with the provisions of Ordinance 375 or any other state and/or federal regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided for in 375.10.
- ii. Whenever a permit is revoked for cause, any person who receives a permit revocation notice may appeal such notice to the IOWQ County Sheriff's Department within ten (10) days of receiving such notice. Appeals shall be in writing/ shall state the grounds or reasons why revocation should be reversed and signed by the person bringing the appeal or their authorized representative. Failure to file a timely appeal shall result in permit refusal or revocation.
- iii. A hearing will be scheduled with the Iowa County Humane Officer and Iowa County Sheriff and notice of such hearing will be given to the applicant at least ten (10) days prior to the hearing date.

The Iowa County Humane Officer will, within ten (10) business days of the hearing, give a written determination to the permit applicant.

375.11 Pot-bellied Pigs-Licensing Required.

- a. Definition of Pot-bellied Pig: a purebred Vietnamese potbellied pig registered through a North American potbellied pig registry and which does not exceed one hundred (100) pounds in weight.
- b. All pot-bellied pigs must be licensed by nine (9) weeks of age.
- c. All pot-bellied pigs kept as pets must be spayed or neutered.
- d. Permit required for breeding purposes per section 375.10.
- e. Tusks must be removed on all male pot-bellied pigs.
- f. Owners of pot-bellied pigs must meet all state and/or local requirements for care and control.

375.12 **Exotic Animals-Permit Required**. It is unlawful for any person, corporation, partnership or other legal entity to import, transfer, sell, purchase, breed or possess an animal classified as an exotic animal unless they hold a permit issued by Iowa County.

- a) **Exotic Animals**. Primates (all); wolves, jackals, dingos, coyotes and all hybrids; all species of wild cats including, but not limited to lions, tigers, leopards, jaguars, cougars, caracals, servals, bobcats and hybrids; marsupials including kangaroos and wallabies; venomous snakes and any other nonindigenous, wild animals as designated by the local authorities.
- b) **Regulations**. Facilities will be inspected annually by the Humane Officer or other designated official to ensure safe, hygienic housing and grounds as well as adequate care (including but not limited to feed, water, and medical) for any and all species of animals being kept or housed on the premises as well as compliance with any state or federal regulations as required for the ownership of the species.
- c) Issuance. Upon application for a permit, payment of the permit fee and completion of a satisfactory inspection by the Humane Officer or designated law enforcement official, a permit will be issued.
 - 1) **Term**. The permit period will run the calendar year from January 1st through December 31st and must be renewed annually. Renewal applications for permits shall be made 60 days prior to and within 60 days after the start of the calendar year. Failure to renew the permit within this time frame will result in a twenty five dollar (\$25) late fee being assessed and/or revocation of the permit.
 - 2) **Change in Animal Ownership**. If there is a change in ownership of an exotic animal on a permit, the original owner must notify the Iowa County Humane Officer or designated authority within sixty (60) days of change in ownership and include full information on the final whereabouts of the animal.
- d) **Application Procedure**:
 - 1) Each owner of an exotic animal shall file an application annually within the time periods provided in section 375.12 of Ordinance 375.
 - 2) Permit application forms are available from the Iowa County Sheriff's Department.
 - 3) Upon receipt of a completed application, the Iowa County Humane Officer or other designated authority shall make an inspection of the facility to ensure that all animals are provided for in a humane manner and that the establishment is in compliance with all provisions of Ordinance 375, state and/or federal regulations. The Humane Officer or other designated authority shall be permitted to make such inspections at any reasonable time.
 - 4) The Iowa County Humane Officer or other designated authority shall either issue a permit to the applicant or, if an application is not granted, shall notify the applicant in writing of the specific reasons for denial.

- 5) Any owner of an exotic animal denied a permit may not reapply for a period of at least thirty (30) days.
 - 6) If an applicant is shown to have withheld or falsified any material information on the application, the Iowa County Humane Officer or designated authority may refuse to issue or may revoke a permit.
- e) **Revocation of Permits:**
- 1) The Iowa County Humane Officer or designated authority may revoke any permit if the person holding the permit refuses or fails to comply with the provisions of Ordinance 375 or any other state and/or federal regulation governing the protection and keeping of animals, including refusal to allow inspection of the animal establishment as provided for in 375.12.
 - 2) Whenever a permit is revoked for cause, any person who receives a permit revocation notice may appeal such notice to the Iowa County Sheriff's Department within ten (10) days of receiving such notice. Appeals shall be in writing, shall state the grounds or reasons why revocation should be reversed and signed by the person bringing the appeal or their authorized representative. Failure to file a timely appeal shall result in permit refusal or revocation.
 - 3) A hearing will be scheduled with the Iowa County Humane Officer and Iowa County Sheriff and notice of such hearing will be given to the applicant at least ten (10) days prior to the hearing date.
 - 4) The Iowa County Humane Officer will, within ten (10) business days of the hearing, give a written determination to the permit applicant.
- f) **Miscellaneous.**
- 1) Applicants shall not engage in the breeding of exotic animals without approval.
 - 2) Each permitted exotic animal shall be individually identified with either an injectable microchip, tattoo or other permanent identification system unique to that individual animal.

Owners of exotic animals shall be held responsible for any and all costs incurred in the recovery and/or disposal of and/or damages incurred by any exotic pet which escapes their control.

375.13 **Inspection Required-Circuses and Theatrical Exhibitions**. Any circus or theatrical exhibition or event organizer holding a circus or theatrical exhibition within Iowa County must notify the Iowa County Humane Officer or other designated authority of their intent to hold said event a minimum of 10 (ten) days prior to the date of the event. The Iowa County Humane Officer will make arrangements for an inspection of the animals to be performed on the date of the event and to include, but not be limited to, the animals themselves, housing/shelter/care of the animals, any permits required by local, state or federal animal related statutes/ordinances and any other items needed to verify the health and welfare of any animals participating in the event.

375.14 **Disposition of Carcasses**. No person shall deposit or throw or allow to be deposited or thrown onto any public highway or other public place the carcass of any animal. It is prohibited that any dead animal be left exposed in such manner as to be reached by dogs or wild animals for a longer period than 24 hours in the months of April to November, or 48 hours during the months of December to March.

375.15 **Enforcement**

(This section was repealed and recreated, Ordinance 375A, 08-15-2017)

1. Statutory Offenses Adopted. Wis. Stat. § 95.21, Ch. 173, Ch. 174, and Ch. 951 are hereby adopted by reference and made a part of this Ordinance.
2. Citation Authority. Pursuant to Wis. Stat. §§ 173.07(4) and 66.0113(2)(a), in addition to law enforcement officers of the Iowa County Sheriff's Office, the designated Humane Officer(s) for Iowa County are hereby authorized to issue citations for any violation of Iowa County Ordinance 375: Animal Regulations and Treatment, including those portions of the ordinance for which a statutory counterpart exists. Any citation so issued shall conform with the requirements of Wis. Stat. § 66.0113.
3. A portion of all civil forfeitures from Ordinance 375 will be deposited in a low-cost spay/neuter assistance program for low income, senior, or disabled Iowa County pet owners.
4. The Iowa County Sheriff's Office or other persons authorized by the Iowa County Sheriff's Office, including the designated Humane Officer(s) for Iowa County, are authorized to seize and withhold animals as permitted by Wis. Stat. §§ 173.13 and 173.21, with review of such seizure or withholding governed by the procedures set forth in Wis. Stat. § 173.22. Any individual seizing and withholding such an animal shall complete and serve upon the owner of the animal the Notification to Owner of Seizure and Withholding of Animal appended to this Ordinance.

375.16 **Penalties:** Any persons violating any provisions of this ordinance, whether negligently or otherwise, shall be punished by forfeiture. If any violation be continuing, each day's violation shall be deemed a separate violation. Violations are subject to the forfeitures listed in the Iowa County Code of Ordinances Index.