

Chapter 176

ANIMALS

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[HISTORY: Adopted by the Village Board of the Village of Endeavor at time of adoption of Code (see Ch. 1, General Provisions, Art. II). Amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 312.

Parks and recreation areas — See Ch. 320.

Peace and good order — See Ch. 325.

§ 176-1. Dog license required; definitions.

- A. License required. It shall be unlawful for any person in the Village of Endeavor to own, harbor or keep any dog more than five months of age without complying with the provisions of this chapter relating to the listing, licensing and tagging of the same.
- B. Definitions. In this chapter, unless the context or subject matter otherwise requires, the following terms shall have the meanings indicated:

AT LARGE — Off the premises of its owner and not under the control of the owner or some other person.

COLLAR — A band, strip or chain placed around the neck of the dog.

OWNER — Includes any person who owns, harbors or keeps a dog.

RESTRAIN — Includes notifying the dog's owner or an officer and requesting either the owner or officer to capture and restrain the dog, or capturing and restraining the dog, and killing the dog if the circumstances require immediate action.

UNTAGGED — Not having a valid license tag attached to a collar kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area.

§ 176-2. Rabies vaccination required for dogs and cats.

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian within 30 days after the dog or cat reaches five months of age and revaccinated within one year after the initial vaccination. If the owner obtains the dog or cat or brings the dog or cat into the Village of Endeavor after the dog or cat has reached five months of age, the owner shall have the dog or cat vaccinated against rabies within 30 days after the dog or cat is obtained or brought into the Village, unless the dog or cat has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian before the date that the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination.

§ 176-3. Issuance of dog license.

- A. The owner of a dog more than five months of age on January 1 of any year, or five months of age within the license year, shall annually, on or before the dog becomes five months of age, pay the dog license tax and obtain a license.
- B. Upon payment of the required dog license tax and upon presentation of evidence that the dog is currently immunized against rabies, the Village Clerk-Treasurer shall complete and issue to the owner a license and tag for the dog.
- C. The owner shall pay to the Village Clerk-Treasurer the sum as set by the Village Board for a neutered male or spayed female dog, and present evidence that the dog is neutered or spayed, and the sum as set by the Village Board for any unneutered male dog or unspayed female dog, provided that 1/2 of these amounts shall be paid if the dog became five months of age after July 1 of the license year. The license year commences January 1 and ends the following December 31.
- D. The owner shall securely attach the tag to a collar, the same to be kept on the dog at all times, except during competition or when a dog is securely confined indoors or in a securely confined fenced area outdoors.

§ 176-4. Late fee.

- A. The Village Clerk-Treasurer shall assess and collect a late fee as set by the Village Board from every owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each year, or within 30 days of acquiring ownership of a licensable dog, or if the owner failed to obtain a license on or before the dog reached licensable age. All late fees received or collected shall be paid into the local treasury as revenue of the Village.
- B. An owner who fails to obtain a dog license pursuant to the provisions of § 176-3 or to pay a late fee pursuant to the above provisions of Subsection A, upon 30 days' written

notice by the Village to the owner, shall be subject to a penalty as provided in Chapter 1, § 1-4 of this Code.

§ 176-5. Failure to obtain rabies vaccination.

An owner who fails to have a dog vaccinated against rabies as required under § 176-2 shall be subject to a penalty as provided in Chapter 1, § 1-4 of this Code.

§ 176-6. Control of dogs and cats; vicious dogs.

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

AT LARGE — To be off the premises of the owner and not under the control of some person either by leash or otherwise, but a dog or cat within an automobile of any other person with the consent of the dog's or cat's owner shall be deemed to be upon the owner's premises.

OWNER — Any person owning, harboring or keeping a dog or cat, and the occupant of any premises on which a dog or cat remains or to which a dog or cat customarily returns daily for a period of 10 days is presumed to be harboring or keeping the dog or cat within the meaning of this section.

B. Restrictions. It shall be unlawful for any person within the Village of Endeavor to own, harbor or keep any dog or cat which:

- (1) Habitually pursues any vehicle upon any public street, alley or highway in the Village.
- (2) Assaults or attacks any person.
- (3) Is at large within the limits of the Village.
- (4) Habitually barks or howls to the annoyance of any person or persons.
- (5) Kills, wounds or worries any domestic animal.
- (6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.
- (7) Is an untagged dog.

C. Vicious dogs. No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. A dog is declared to be vicious within the meaning of this section when it shall have bitten any person or when a propensity to attack or bite human beings shall exist and is known or ought reasonably to be known to the owner or any member of the owner's immediate family over 16 years of age. Any vicious dog which is found off the premises of its owner, other than as hereinabove provided, may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to

the satisfaction of a court of competent jurisdiction of the vicious character of said dog, by testimony under oath reduced to writing, be killed by the Chief of Police or his/her designee.

- D. A dog or cat is in violation of Subsection B(4) above when two formal written complaints regarding the animal's behavior are filed with the Village Hall.

§ 176-7. Impoundment of dogs.

The Chief of Police or his/her designee may seize and impound any dog running at large or any unlicensed dog at large or upon a person's premises. Upon the impounding of any dog, the Chief of Police or his/her designee shall notify the owner personally or through the United States mail, if such owner is known to the Chief of Police or his/her designee or can be ascertained with reasonable effort. If after seven days the owner does not claim such dog, the Chief of Police or his/her designee shall dispose of the dog in a proper and humane manner.

- A. Owner may redeem dog. The owner of any dog impounded may redeem his dog within the period above specified upon the payment of an impounding fee as set by the Village Board plus the actual costs per day for the dog's keep.
- B. Village not liable for impounding dogs. The Village shall not be liable for the death of any dog which has been impounded or disposed of pursuant to this section.

§ 176-8. Dogs and cats on public grounds and cemeteries.

No dog or cat is permitted in any school ground, public playground, public park, or other public grounds within the Village unless such dog or cat is entered in a contest approved by the Village Board or is on a leash. Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this section.

§ 176-9. Cruelty to animals and birds.

No person, except the Chief of Police or his/her designee or a health or humane officer in pursuit of his/her duties, shall within the Village shoot or kill or commit an act of cruelty on any animal or bird.

§ 176-10. Neglected or abandoned animals.

The Chief of Police or his/her designee may shelter and care for any animal found to be cruelly exposed to the weather, starved, neglected or abandoned and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and the person having possession of the animal shall have a lien thereon for his care, keeping, medical attention and expenses of notice. Whenever in the opinion of the Chief of Police or his/her designee an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, the Chief of Police or his/her designee may kill such animal.

§ 176-11. Animal feces.

Any person owning or having control of any dog, cat or other animal shall clean up the feces of such animal immediately and dispose of it in a sanitary manner. No animal feces shall be permitted to remain exposed upon any private or public property.

§ 176-12. Duty of owner in case of dog bite.

Every owner or person harboring or keeping a dog who knows that such dog has bitten any person shall immediately report such fact to the Village Chief of Police or his/her designee and shall keep such dog confined for such period of time as the Chief of Police or his/her designee shall direct. The owner or keeper of any such dog shall surrender the dog to the Chief of Police or his/her designee upon demand for examination.

§ 176-13. Kennel licenses.

- A. Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this chapter, apply for a kennel license for the keeping or operating of the kennel. For the kennel, the person shall pay a kennel license tax as set by the Village Board. Upon payment of the required kennel license tax and, if required by the Village Board, upon presentation of evidence that all dogs over five months of age are currently immunized against rabies, the Village Clerk-Treasurer shall issue the kennel license and a number of tags equal to the number of dogs authorized to be kept in the kennel.
- B. The owner or keeper of a kennel shall keep at all times a kennel license tag attached to the collar of each dog over five months old kept by the owner or keeper under a kennel license, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. These tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel. The rabies vaccination tag or substitute tag shall remain attached to the dog for which it is issued at all times, but this requirement does not apply to a show dog during competition, to a dog securely confined indoors or to a dog securely confined in a fenced area. No dog bearing a kennel tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless the dog is in leash or temporarily for the purposes of hunting, breeding, trial, training or show.

§ 176-14. Keeping of domestic animals or fowl.

- A. No person shall keep domestic animals or fowl, including but not limited to horses, cows, pigs, goats, sheep, chickens, ducks, and geese, on a parcel of less than 10 acres in size. No person shall maintain any building or premises for the purpose of housing such domestic animals or fowl within 200 feet from a building used for human habitation.
- B. All structures, pens, buildings, stables, coops or yards wherein animals or fowl are kept shall be maintained in a clean and sanitary condition, free of rodents, vermin and objectionable odors or noise.

§ 176-15. Animals excluded from food-handling establishments.

No person shall take or permit to remain any dog, cat or other live animal on or upon any premises where food is sold, offered for sale or processed for consumption by the general public. Guide dogs and service dogs are exempt from this section.

§ 176-16. Pit bull dogs.

- A. Keeping prohibited. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the Village of Endeavor, Wisconsin, any pit bull dog, provided that pit bull dogs registered with the Village on the date of publication of this chapter may be kept within the Village subject to the standards and requirements set forth in Subsection B of this section. "Pit bull dog" is defined to mean:
- (1) The Staffordshire bull terrier breed of dog.
 - (2) The American pit bull terrier breed of dog.
 - (3) The American Staffordshire Terrier breed of dog.
 - (4) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds.
- B. Keeping of registered pit bulls. The provisions of Subsection A of this section are not applicable to owners, keepers or harborers of pit bull dogs registered with the Village of Endeavor as of the effective date of this section. The keeping of such dogs, however, shall be subject to the following standards:
- (1) Leash and muzzle. No person shall permit a registered pit bull dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects, such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
 - (2) Confinement. All registered pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be embedded in the ground not less than two feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the Village. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

- (3) Confinement indoors. No pit bull dog may be kept on a porch or patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
 - (4) Signs. All owners, keepers or harborers of registered pit bull dogs within the Village shall, within 10 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign is required to be posted on the kennel or pen of such animal.
 - (5) Insurance. All owners, keepers or harborers of registered pit bull dogs must, within 10 days of the effective date of this section, provide proof to the Endeavor Village Clerk-Treasurer of public liability insurance in a single incident amount of \$50,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless 10 days' written notice is first given to the Endeavor Village Clerk-Treasurer.
 - (6) Identification photographs. All owners, keepers or harborers of registered pit bull dogs must, within 10 days of the effective date of this section, provide to the Village Clerk-Treasurer two color photographs of the registered animal clearly showing the color and approximate size of the animal.
 - (7) Reporting requirements. All owners, keepers or harborers of registered pit bull dogs must, within 10 days of the incident, report the following information in writing to the Endeavor Village Clerk-Treasurer as required hereinafter:
 - (a) The removal from the Village or death of a registered pit bull dog.
 - (b) The birth of offspring of a registered pit bull dog.
 - (c) The new address of a registered pit bull dog owner should the owner move within the corporate Village limits.
 - (8) Sale or transfer of ownership prohibited. No person shall sell, barter or in any other way dispose of a pit bull dog registered with the Village to any person within the Village unless the recipient person resides permanently in the same household and on the same premises as the registered owner of such dog, provided that the registered owner of a pit bull dog may sell or otherwise dispose of a registered dog or the offspring of such dog to persons who do not reside within the Village.
 - (9) Animals born of registered dogs. All offspring born of pit bull dogs registered within the Village must be removed from the Village within six weeks of the birth of such animals.
- C. Irrebuttable presumptions. There shall be an irrebuttable presumption that any dog registered with the Village as a pit bull dog or any of those breeds prohibited by Subsection A of this section is in fact a dog subject to the requirements of this section.

- D. Failure to comply. It shall be unlawful for the owner, keeper or harbinger of a pit bull dog registered with the Village of Endeavor to fail to comply with the requirement and conditions set forth in this section. Any dog found to be the subject of a violation of this section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the Village.
- E. Violations and penalties. Any person violating or permitting the violation of any provision of this section shall, upon conviction in Circuit Court, be fined a sum of not less than \$200 and not more than \$1,000. In default of payment of the fine imposed the Court may sentence the defendant to imprisonment in the county jail for a period not to exceed 30 days. In addition, the court shall order the registration of the subject pit bull revoked and the dog removed from the Village. Should the defendant refuse to remove the dog from the Village, the Circuit Court Judge shall find the defendant owner in contempt and order the immediate confiscation and impoundment of the animal. Each day that a violation of this section continues shall be deemed a separate offense. In addition to the foregoing penalties, any person who violates this section shall pay all expenses, including shelter, food, handling, veterinary care and testimony, necessitated by the enforcement of this section.

§ 176-17. Violations and penalties.

An owner who fails to observe any other condition or term of this chapter in relation to the licensing and regulation of dogs and animals shall be subject to a penalty as provided in Chapter 1, § 1-4 of this Code, unless otherwise provided under this chapter.

ORDINANCE NO. 176 B

VILLAGE OF ENDEAVOR

AN ORDINANCE TO REPEAL SECTION 176-16 OF THE ENDEAVOR CODE OF
ORDINANCES RELATING TO PIT BULL DOGS

*The Village Board of the Village of Endeavor, Marquette County, Wisconsin do
ordain as follows:*

1. Section 176-16 of the Endeavor Code of Ordinances is hereby repealed.
2. This ordinance shall take effect and be in force from and after passage and
publication or posting.

*The foregoing ordinance was duly adopted by the Village Board of the Village of
Endeavor, Marquette County, Wisconsin, at a meeting held on March 10, 2009,
by a vote of 4 in favor, 0 opposed, and 0 not voting.*

APPROVED:

By: Kevin J. Boodry
Kevin Boodry, Village President

ATTEST:

Eileen Bennett
Eileen Bennett, Village Clerk-Treasurer

Published or
Posted: 3-11-09

