

TITLE III: PUBLIC SAFETY

Chapter

- 1. LAW ENFORCEMENT**
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CHAPTER 1: LAW ENFORCEMENT

Section

3-1-1 Civilians to assist

§ 3-1-1 CIVILIANS TO ASSIST.

It shall be the duty of all persons in the village, when called upon by any police officer or peace officer, to promptly aid and assist him or her in the execution of his or her duties and whoever shall neglect or refuse to give such aid or assistance shall be subject to a forfeiture of \$10 will apply to violations of this section.

CHAPTER 2: FIRE DEPARTMENT

Section

- 3-2-1 Selection of Fire Chief and management of Department
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- 3-2-4 Flammable liquids
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§ 3-2-1 SELECTION OF FIRE CHIEF AND MANAGEMENT OF DEPARTMENT.

The selection of the Fire Chief and the general administration of the Almond Volunteer Fire Department shall be as provided by the bylaws of the Department.

§ 3-2-2 FIRE INSPECTOR.

The Fire Chief shall serve as the Fire Inspector for the Village of Almond. The Fire Chief may appoint one or more deputy fire inspectors, who shall perform all duties required of fire inspectors by state law.

§ 3-2-3 POLICE POWER OF DEPARTMENT.

(A) *Authority at fires.* The Chief and his or her assistants or officers in command are hereby vested with full and complete police authority at fires and may cause the arrest of any person failing to give the right-of-way to the Fire Department responding to a fire call.

(B) *Removal of property.* The Chief shall have the power to cause the removal of any property whenever it shall become necessary for the preservation of the property from fire or to prevent the spread of fire or protect adjoining property, and during the progress of any fire he or she shall have the power to order the destruction of any property necessary to prevent the further spread of the fire. He or she shall also have the power to cause removal of all wires or other facilities and the turning off of all electricity or other services where the same impedes the work of the Department during progress of a fire.

(C) *Firefighters may enter adjacent property.* It shall be lawful for any firefighters acting under the direction of the Fire Chief or any officer in command to enter upon the premises adjacent to or in the

vicinity of any building or other property then on fire for the purpose of extinguishing the fire, and no person shall hinder, resist or obstruct any firefighters in the discharge of his or her duty as hereinbefore provided.

(D) *Duty of bystanders to assist.* Every person who shall be present at a fire shall be subject to the orders of the Fire Chief or officer in command and may be required to render assistance in fighting the fire or in removing or guarding property. That officer shall have the power to cause the arrest of any person refusing to obey the orders.

§ 3-2-4 FLAMMABLE LIQUIDS.

The Wis. Adm. Code Chapter Comm. 10 (Flammable Liquids Code), issued by the Industrial Commission of Wisconsin, is hereby adopted by reference as a part of this chapter, and it shall be the duty of the Building Inspector to enforce the provisions thereof.

§ 3-2-5 FIRE DISTRICT REGULATIONS.

(A) *Fire District.* The fire district limits in the Village of Almond shall be that area within the district limits as shown on an official map, entitled and marked "Official Map of the Fire District Limits of the Village of Almond." The map, the original copy of which is filed in the office of the Clerk, is hereby adopted as the official map of the Fire District of the Village of Almond.

(B) *Definitions.* The terms "fire-resistive construction," "mill construction," "ordinary construction," "frame construction" and "fire-retardant roof coverings" shall have the meaning as defined in the Wis. Adm. Code, Ch. Comm. 75, §§ 75.02, 75.03, 75.04, 75.05, and 75.07.

(C) *Regulations within fire districts.*

(1) *Requirements.* Every building hereafter erected, enlarged or moved within or into the fire district shall be of fire-resistive, mill or ordinary construction, except as otherwise provided by this chapter. Enclosing walls, division walls and party walls shall be of 4-hour, fire-resistive walls of a construction as provided in s. Ind 51.05, Wis. Adm. Code, which is hereby by reference made a part of this ordinance with respect to all buildings and structures within the fire district.

(2) *Exceptions.* No building of frame construction shall be constructed within or moved within or into the Fire District except the following:

(a) Buildings occupied as a private garage, not more than 1 story in height nor more than 750 square feet in area, located on the same lot with a dwelling; provided that any such building shall be placed at least 3 feet from the lot lines of adjoining property;

(b) Buildings of frame construction, except when used for a high hazard occupancy, not exceeding 2,500 square feet in area when used for a business occupancy or 1,000 square feet in area

when used for other occupancies, nor more than 1 story in height, and having a horizontal separation of not less than 10 feet on all sides. Walls having a horizontal separation of less than 10 feet shall have a fire-resistance rating of not less than 1 hour;

(c) Greenhouses not more than 15 feet in height;

(d) Sheds open on the long side, not more than 15 feet in height nor more than 500 square feet in area, located at least 5 feet from buildings and from adjoining lot lines; and

(e) Builders' shanties for use only in connection with a duly authorized building operation.

(D) *Bulk oil tanks prohibited.* The storage of Class I and Class II flammable liquids, as defined in Wis. Adm. Code Ch. Comm. § 10.01(37), in above-ground tanks outside of buildings is prohibited within the Fire District.

(E) *Razing old or damaged buildings.* Any existing building of frame construction within the fire limits which may hereafter be damaged by fire, or which has deteriorated to an amount greater than ½ of its value, exclusive of the foundation, as determined by the Village Assessor, shall not be repaired or rebuilt, but shall be ordered removed by the Building Inspector under the provisions of Wis. Stats. § 66.0413.

(F) *Fire retardant roofing.*

(1) Every roof hereafter constructed within the fire district, including buildings listed in division (C)(2) above, shall be covered with a roofing having a fire-resistive rating equivalent to Class "B" or better of the Underwriters' Laboratories, Inc. classification in their *List of Inspected Materials*, which is hereby adopted by reference and incorporated in this section as if fully set forth herein.

(2) No roofing on an existing roof shall be renewed or repaired to a greater extent than 1/10 of the roof surface, except in conformity with the requirements of division (F)(1) above.

(G) The Building Inspector (or Fire Chief or other designated person) is hereby authorized and it shall be his or her duty to enforce the provisions of this section.

§ 3-2-6 RAISING MONEY.

The Almond Volunteer Fire Department is permitted to raise money through fund raising and donations.

(Ord., passed 3-11-2013)

CHAPTER 3: CIVIL DEFENSE

Section

3-3-1 County Municipal Emergency Government Director

§ 3-3-1 COUNTY MUNICIPAL EMERGENCY GOVERNMENT DIRECTOR.

The County Municipal Emergency Government Director, appointed and employed by the Portage County Board is hereby designated and appointed Emergency Government Director for the Village of Almond, subject to the conditions and provisions as set forth in the Wisconsin Statutes, and the Portage County Joint Emergency Government Ordinance.

CHAPTER 4: HEALTH AND SANITATION

Section

- 3-4-1 Compulsory connection to sewer and water
- 3-4-2 Keeping of animals and fowl
- 3-4-3 Sale of unwholesome or tainted food prohibited
- 3-4-4 Right of Health Officer to enter premises
- 3-4-5 Abatement of health nuisances
- 3-4-6 Regulation of length of lawn
- 3-4-7 Discharge of waste water and effluent

§ 3-4-1 COMPULSORY CONNECTION TO SEWER AND WATER.

(A) *When required.* Whenever a sewer or water main becomes available to any building used for human habitation, the Building Inspector or Clerk shall notify the owner or his or her agent in writing in the manner prescribed by the Wisconsin Statutes or by registered mail addressed to the last known address of the owner or his or her agent.

(B) *Contents of notice.* The notice required by this section shall direct the owner or his or her agent to connect the building to the main or mains in the manner prescribed by the Village Board and to install the facilities and fixtures as may be reasonably necessary to permit passage of sewage incidental to the human habitation into the sewerage system and to furnish an adequate supply of pure water for drinking and prevent creation of a health nuisance.

(C) *Village may cause connection at expense of owner.* If the owner or his or her agent fails to comply with the notice of the Building Inspector or Clerk within 10 days of service or mailing thereof, the Village Board may cause connection to be made and the expense thereof shall be assessed as a special tax against the property.

(D) *Privies, cesspools and the like, prohibited after connection with sewer.* After connection of any building used for human habitation to a sewer main, no privy, cesspool or waterless toilet shall be used in connection with the human habitation.

§ 3-4-2 KEEPING OF ANIMALS AND FOWL.

(A) *Sanitary requirements.* 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. Interior walls, ceilings, floors, partitions and appurtenances of the structures, except structures or houses occupied by no more than 1 dog, cat, rabbit, skunk or similar animal kept as a pet, shall be whitewashed or painted annually or oftener as the Health Officer shall direct.

(B) *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, except service dogs.

§ 3-4-3 SALE OF UNWHOLESOME OR TAINTED FOOD PROHIBITED.

No person shall sell, offer for sale or hold for sale any meat, fish, fruits, vegetables or other articles of food or drink which is not fresh or properly preserved, sound, wholesome and safe for human consumption or the flesh of any animal which died by disease. The Health Officer is hereby authorized and directed to seize and destroy any articles of food or drink which are offered or held for sale to the public which have become tainted, decayed, spoiled or otherwise unwholesome or unfit for human consumption.

§ 3-4-4 RIGHT OF HEALTH OFFICER TO ENTER PREMISES.

The Health Officer shall have the right to enter and examine any public premises or any place where meat, fish, poultry, game, milk, bakery goods or other foodstuffs are stored, prepared or dispensed for public consumption and to inspect or examine any vehicle transporting the foodstuffs for the purpose of enforcing the provisions of this chapter. Any person who shall hinder, obstruct or prevent the Health Officer from entering or carrying out his or her examination of the premises or vehicle shall, upon conviction thereof, forfeit not less than \$10 nor more than \$100, together with the costs of prosecution and in default of payment of the forfeiture or costs shall be imprisoned in the county jail until the forfeiture and costs are paid but not exceeding 60 days.

§ 3-4-5 ABATEMENT OF HEALTH NUISANCES.

The Health Officer together with the Board of Health shall have the power to abate health nuisances in accordance with Wis. Stats. § 251.04 which is hereby adopted by reference and made a part of this section as if fully set forth herein.

§ 3-4-6 REGULATION OF LENGTH OF LAWN.

(A) *Purpose.* This section is adopted due to the unique nature of the problems associated with lawns being allowed to grow to excessive length in the Village of Almond.

(B) *Public nuisance declared.* The Village Board finds that lawns on residential lots or parcels of land which exceed 8 inches in length adversely affect the public health and safety of the public in that

they tend to emit pollen and other discomfoting bits of plants, constitute a fire hazard and a safety hazard in that debris can be hidden in the grass, interferes with the public convenience and adversely affects property values of other land with the village. For that reason, any lawn on a residential lot or parcel of land which exceeds 8 inches in length is hereby declared to be a public nuisance.

(C) *Nuisances prohibited.* No person, firm or corporation shall permit any public nuisance as defined in division (B) above to remain on any premises owned or controlled by him or her within the Village of Almond.

(D) *Inspection.* The weed commissioner or his or her designee shall inspect or cause to be inspected all premises and places within the village to determine whether any public nuisance as defined in division (B) above exists.

(E) *Abatement of nuisance.* If the inspecting officer shall determine with reasonable certainty that any public nuisance as defined in division (B) above exists, he or she shall immediately report that existence to the Village Board and the Village Board shall, if it determines that the nuisance exists, cause notice to be served that the Village Board proposes to have the lawn cut so as to conform with this section and that a hearing will be held before the Village Board for the purpose of ordering the mowing. The notice shall be served at least 1 week prior to the date of the hearing and shall be served on the owner of the lot or parcel of land, or, if he or she is not known and there is a tenant occupying the property, then to the tenant, of the time and place at which the hearing will be held. At the hearing, the owner may appear in person or by his or her attorney and may present witnesses in his or her behalf. After the hearing the Village Board shall make its determination in writing specifying its findings of fact and conclusions. If it determines that a public nuisance does exist, it shall order the inspecting officer to serve or cause to be served upon the owner of the property, if he or she can be found, or upon the occupant thereof a written notice to abate the nuisance within 5 days of the service of the notice. If the owner does not abate the nuisance within the time limit, the inspecting officer shall cause the same to be abated.

(F) *Assessment of costs of abatement.* The entire cost of abating any public nuisance as defined in division (B) above shall be chargeable to and assessed against the parcel or lot affected.

§ 3-4-7 DISCHARGE OF WASTE WATER AND EFFLUENT.

No person shall cause or permit the discharge of waste water and effluent onto the surface of property located within the Village of Almond.

CHAPTER 5: OUTDOOR HEATING DEVICES

Section

- 3-5-1 Introduction
- 3-5-2 Statement of purpose
- 3-5-3 Definitions
- 3-5-4 Standards adopted
- 3-5-5 Chimney specifications
- 3-5-6 Other requirements
- 3-5-7 Materials that cannot be burned
- 3-5-8 Fencing
- 3-5-9 Setback and yard requirements
- 3-5-10 Outdoor storage
- 3-5-11 Nonconformists
- 3-5-12 Penalty

§ 3-5-1 INTRODUCTION.

This chapter shall be known and may be cited and referred to as the Solid Fuel Fired Outdoor Heating Device Ordinance of the Village of Almond, Wisconsin and hereinafter is referred to as the Solid Fuel Fired Outdoor Heating Device Ordinance.

§ 3-5-2 STATEMENT OF PURPOSE.

The purpose of this chapter is to promote the health, safety, morals, prosperity, aesthetics and general welfare of this community.

§ 3-5-3 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIMNEY/STACK. A vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor heating device.

SOLID FUEL FIRED OUTDOOR HEATING DEVICE OR SOLID FUEL UNIT. A device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes outdoor solid fuel fired stoves, fireplaces, cooking stoves and combination fuel furnaces or boilers which burn solid fuel (such as coal or wood), including outdoor wood burning units.

§ 3-5-4 STANDARDS ADOPTED.

Outdoor solid fuel units shall meet all applicable standards of the Environment Protection Agency of the United States of America and the Wisconsin Department of Commerce governing air quality and emissions, including any amendments thereto adopted after the effective date of this chapter.

§ 3-5-5 CHIMNEY SPECIFICATIONS.

(A) All chimneys shall be constructed to withstand the force of winds up to 100 mph.

(B) Chimneys shall have a minimum height of 20 feet measured from ground level, except, where a solid fuel unit is constructed within 25 feet of an adjacent building, the minimum stack height shall be 20 feet from ground level or three feet above the adjacent building's highest roof elevation, whichever is greater.

(C) Masonry chimneys shall be constructed according to specifications provided by the Building Inspector and factory built chimneys bearing a listing of a nationally recognized testing laboratory such as Underwriters Laboratories will be considered approved.

Penalty, see § 3-5-12

§ 3-5-6 OTHER REQUIREMENTS.

Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, may be declared a public nuisance by the Village Board and or the Village Volunteer Fire Department.

Penalty, see § 3-5-12

§ 3-5-7 MATERIALS THAT CANNOT BE BURNED.

(A) *Statutes.* A municipality does not have the discretion to allow burning of materials prohibited by state law.

(B) *Materials that may not be burned.* Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device:

(1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes;

(2) Waste oil or other oily wastes except used oil burned in an outdoor heating device for energy recovery subject to the restrictions in Wisconsin Administrative Code Ch. NR 590;

(3) Asphalt and products containing asphalt;

(4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives;

(5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers;

(6) Rubber including tires and synthetic rubber-like products; and

(7) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance.

Penalty, see § 3-5-12

§ 3-5-8 FENCING.

(A) Outdoor solid fuel units shall be enclosed by a solid fence 6 feet in height which screens the unit from adjacent property.

(B) The fence shall be adequately treated by paint, stain or other means so as not to constitute an eyesore.

(C) Fences as used in this section shall not include hedges or other vegetation.

Penalty, see § 3-5-12

§ 3-5-9 SETBACK AND YARD REQUIREMENTS.

(A) Solid fuel units are deemed accessory structures for the purposes of zoning regulations.

(B) In Residential Districts solid fuel units shall not occupy more than 30% of a required side yard or rear yard, shall not exceed 15 feet in height, except for the chimney, and shall not be nearer than 3 feet to any lot line.

(C) No solid fuel unit shall be constructed or placed in a front yard.

Penalty, see § 3-5-12

§ 3-5-10 OUTDOOR STORAGE.

Outdoor storage of firewood shall be neatly stacked and may not be stacked closer than 2 feet to any lot line and not higher than 6 feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this section shall not include hedges or other vegetation.

Penalty, see § 3-5-12

§ 3-5-11 NONCONFORMISTS.

Outdoor solid fuel units existing prior to April 10, 2006, that do not conform to the standards of this section shall, on the complaint of a resident of the village, be removed, replaced or modified to meet the standards of this section within 90 days of notification of noncompliance from the Village Building Inspector or other village officer or agent.

Penalty, see § 3-5-12

§ 3-5-12 PENALTY.

Any person who constructs or erects any outdoor solid fuel unit that does not meet the standards of this section, or who fails to remove, replace or modify a unit that does not meet the standards of this section as provided herein, shall forfeit \$25 per day for each day the non-complying unit remains on the premises.

CHAPTER 6: ANIMAL CONTROL

Section

- 3-6-1 Purpose and intent
- 3-6-2 Severability
- 3-6-3 State laws adopted
- 3-6-4 Definitions
- 3-6-5 Dog license tax
- 3-6-6 Rabies control program
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- 3-6-12 Abandonment
- 3-6-13 Animals and poultry not to run at large
- 3-6-14 Impoundment
- 3-6-15 Commercial animal establishment
- 3-6-16 Animal Control Agency
- 3-6-17 Enforcement
- 3-6-18 Penalties

§ 3-6-1 PURPOSE AND INTENT.

The purpose of this chapter is to promote health, safety and general welfare of animals and the people around them. Requiring dogs and animals be cared for 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 in Portage County.

§ 3-6-2 SEVERABILITY.

If any section, provision or portion of this chapter is adjudged invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

§ 3-6-3 STATE LAWS ADOPTED.

The provisions of Wis. Stats. § 95.21 and Ch. 174, exclusive of penalties, are adopted by reference and are made part of this code, so far as applicable.

§ 3-6-4 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Includes every:

- (1) Warm blooded creature, except a human being;
- (2) Reptile; and
- (3) Amphibian.

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.

ANIMAL EXHIBITION. Any spectacle, display, act or event, other than circuses and county fairs, in which animals are used.

ANIMAL SHELTER. Any facility operated by a humane society or Portage County or its authorized agents, for the purpose of impounding and caring for animals held under the authority of this chapter or state law.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, grooming shop, kennel, cattery, riding stable or animal exhibition, and shall exclude any city, county or village pound, humane society animal shelter or veterinary facility. Notwithstanding the foregoing, the provisions of this chapter shall be applicable to a veterinary facility if the same is engaged in any activities associated with a pet shop, grooming shop, kennel or cattery.

CRUEL. Causing unnecessary or excessive pain or suffering or unjustifiable injury or death.

CONFINED. Restriction of an animal at all times by the owner, or his or her agent, to an escape-proof building or other enclosure.

DOMESTIC ANIMAL. Any animal which normally can be considered tame and converted to home life.

DWELLING UNIT. A building, or portion thereof, designed or used exclusively for residential purposes.

EXOTIC DOMESTIC ANIMAL. Any wild animal which is not native to Wisconsin and may have been domesticated.

FARM ANIMAL. Any warm-blooded animal normally raised on farms in the United States and used or intended for use as food or fiber.

GROOMING SHOP. A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

HEALTH OFFICER. Portage County Health Nurse or a duly designated representative.

ISOLATION FACILITY. The municipal animal shelter or veterinarian clinic as approved by the Portage County Department of Health. The **ISOLATION FACILITY** shall be equipped with a cage or pen which isolates the animal from other animals.

KENNEL or CATTERY. Any premises wherein any person engages in the business of boarding, breeding (more than 1 litter per year), buying, letting for hire, or selling dogs/cats, (buying or selling more than 3 adult dogs/cats per year).

LAW ENFORCEMENT OFFICER. Has the meaning assigned under Wis. Stats. § 967.02(5) and includes a humane officer appointed under Wis. Stats. § 173.03.

LICENSING AUTHORITY. The licensing authority shall be the municipality, Town or County Treasurer or its delegated collecting agent.

PET SHOP. Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells or boards any species of but does not include an animal shelter or veterinarian hospital (clinic).

OWNER. Includes any person who owns, harbors or keeps, or controls an animal. Any animal shall be deemed harbored if it is fed or sheltered and if it is not a wild animal.

RENDER STERILE. A surgical procedure that has been performed on an animal by a veterinarian that renders it incapable of siring or bearing offspring, includes spaying and neutering.

RESTRAINT. Any animal secured by a leash, lead or under the control of a responsible person and obedient to that person's command, or within the real property limits of its owner.

RIDING STABLE. Any place that has available for hire, or riding, any horse, pony, donkey, mule or burro.

VETERINARIAN. Has meaning designated under Wis. Stats. § 453.02(7).

VETERINARIAN HOSPITAL (CLINIC). Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of disease and injuries of animals.

WILD ANIMAL. Any live monkey or other non-human primate, raccoon, skunk, fox, wolf, wolf hybrid, poisonous snake or any snake exceeding 3 feet in length, leopard, panther, tiger, lion, lynx or any other warm-blooded animal, which is normally found in the wild state.

§ 3-6-5 DOG LICENSE TAX.

(A) *Requirement.* The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license tax and obtain a license.

(B) *Tax.*

(1) The dog license tax shall be the state required minimum for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed; and the state required minimum for an unneutered male dog or unspayed female dog.

(2) The county may by a majority vote of the members present at any regular meeting raise the minimum dog license tax to cover the cost of animal control in the county. The licensing agent shall issue the dog license upon payment of the license tax and presentation of a rabies certificate issued by a licensed veterinarian.

(C) *License year.* The license year commences on January 1 and ends on the following December 31.

(D) *Late fees.*

(1) The collecting official shall assess and collect a late fee of \$5 from every owner of a dog 5 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.

(2) All late fees received or collected shall be paid into the local treasury as revenue of the town, village or city in which the license was issued.

(E) *Kennel license option.*

(1) Any person who keeps or operates a kennel may, instead of the license tax for each dog required by this chapter, apply to the collecting official for a kennel license for the keeping or operating of the kennel.

(2) The person shall pay for the license year a license tax of \$35 for a kennel of 12 or fewer dogs and an additional \$3 for each dog in excess of 12. Upon payment of the required kennel license tax and upon presentation evidence that all dogs over 5 months of age are currently immunized against rabies, the collecting official shall issue the kennel license and a number of tags equal to the number of

dogs authorized to be kept in the kennel. Late fees under division (D) above are applicable to this section. (This does not exempt the owner of any kennel fees and inspection under the Portage County Commercial Animal Establishment § 3-6-15 below).

Penalty, see § 3-6-18

§ 3-6-6 RABIES CONTROL PROGRAM.

(A) *Statutes.* Wis. Stats. § 95.21, is incorporated as though it were restated in its entirety.

(B) *Failure to deliver animal to quarantine.* Failure of the owner to deliver an animal to a veterinarian or place of quarantine, as ordered, within 24 hours, shall be grounds for a judge to issue an order authorizing the officer or responsible agency to seize the animal and make the delivery as intended at the owner's expense.

§ 3-6-7 MISTREATING ANIMALS.

No person may treat any animal, whether belonging to himself or herself or another, in a cruel manner. This section does not prohibit bona fide experiments carried on for scientific research pursuant to Wis. Stats. § 174.13 or normal and accepted veterinary practices.

Penalty, see § 3-6-18

§ 3-6-8 TAKING WITHOUT OWNER'S CONSENT.

No person may take a domestic animal from one place to another without the owner's consent or cause such a dog or cat to be confined or carried out of this state or held for any purpose without the owner's consent, except when the animal is taken by a law enforcement officer.

Penalty, see § 3-6-18

§ 3-6-9 USE OF POISONOUS AND CONTROLLED SUBSTANCES.

(A) No person may expose any domestic animal owned by another to any known poisonous substance or controlled substance listed in Wis. Stats. § 196.14, whether mixed with meat or other food or not, so that the substance is liable to be eaten by the animal and for the purpose of harming the animal.

(B) This section shall not apply to poison used on one's own premises and designed for the purpose of rodent or pest extermination nor to the use of controlled substance in bona fide experiments carried on for scientific research in accepted veterinary practices.

Penalty, see § 3-6-18

§ 3-6-10 PROVIDING PROPER FOOD AND DRINK TO CONFINED ANIMALS.

No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with sufficient supply of food and water as prescribed in this section.

(A) *Food.* The food shall be of sufficient quantity and nutritive value to maintain the animals in good health.

(B) *Water.* If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the good health and well being of the animal.

Penalty, see § 3-6-18

§ 3-6-11 PROVIDING PROPER SHELTER.

No person owning or responsible for confining or impounding any animal may fail to provide the animal with proper shelter as prescribed in this section. In the case of farm animals, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.

(A) *Indoor standards.* Minimum indoor standards of shelter shall include:

(1) Ambient temperatures which shall be compatible with the health of the animal;
and

(2) Ventilation for indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.

(B) *Outdoor standards.* Minimum outdoor standards of shelter shall include:

(1) *Shelter from sunlight.* When sunlight is likely to cause heat exhaustion of an animal tied or confined, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight; and

(2) *Shelter from inclement weather.*

(a) *Animals generally.* Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the good health and well being of the animal.

(b) *Dogs.* If a dog is tied or confined unattended outdoors, a moisture-proof and wind-proof shelter of suitable size to accommodate the dog shall be provided.

(C) *Space requirements.* Minimum space requirements for both indoor and outdoor enclosures shall include:

(1) *Structural strength.* The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals; and

(2) *Space requirements.* Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.

(D) *Sanitation standards.* Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards and odors.

Penalty, see § 3-6-18

§ 3-6-12 ABANDONMENT.

No person may abandon any animal.

(A) Any law enforcement officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver the 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 officer or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.

(B) If the owner or custodian is unknown and cannot with reasonable effort be ascertained or does not within 5 days after notice redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.

Penalty, see § 3-6-18

§ 3-6-13 ANIMALS AND POULTRY NOT TO RUN AT LARGE.

(A) No person owning any animal or fowl shall allow the same to run at large within the county.

(B) The owner or keeper shall be liable for all damages done by the animal while so at large, although he or she escapes without the fault of the owner or keeper; and the construction of any fence shall not relieve the owner or keeper from liability.

Penalty, see § 3-6-18

§ 3-6-14 IMPOUNDMENT.

(A) Animals running at large may be taken by any law enforcement officer and impounded in a temporary or permanent animal shelter and confined in a humane manner.

(B) An owner reclaiming an impounded animal shall:

(1) Pay the accrued impoundment fee, veterinary fees and any fees associated with the impoundment of the animal;

(2) Provide his or her name or address; and

(3) Present evidence that the animal, if applicable, is licensed and if applicable, is vaccinated against rabies or provides a receipt from a licensed veterinarian for prepayment of a rabies inoculation.

§ 3-6-15 COMMERCIAL ANIMAL ESTABLISHMENT.

(A) Any person who keeps or operates a commercial animal establishment shall annually, apply to the County Clerk for a permit for the keeping or operating of the commercial animal establishment, and shall pay a permit fee equal to the amount of a kennel license for the permit year as specified in § 3-6-5(C) above. This section shall not apply in municipalities having their own commercial animal establishment licensing.

(B) (1) A permit may be issued upon the successful inspection by the county zoning department and a humane officer.

(2) Before any permit may be issued the applicant must comply with any state and federal requirements.

(3) No person who has been convicted of cruelty to animals within 20 years from date of application, shall be issued a commercial animal establishment permit.

(4) If the applicant has withheld or falsified any information on the application the county shall refuse to issue a permit.

(C) The county may revoke any permit, after conducting a hearing, if the person holding the permit refuses or fails to comply with this chapter, or any law governing the protection and keeping of animals.

(D) Any person whose permit is revoked, shall within 10 days thereafter, humanely dispose of all animals owned, kept or harbored, under this permit and no part of the license or permit fee shall be refunded. A receipt from an animal shelter, veterinarian or other individual must be obtained as proof of proper disposal.

(E) It shall be a condition of the issuance of any permit, that the Humane Officer or responsible agency shall be permitted to inspect all animals and the premises where the animals are kept at any time, and shall, if permission for the inspection is refused, cause the permit of the refusing owner to be revoked.

(F) Each holder of a commercial animal establishment permit shall take reasonable care to release for sale, trade or adoption only animals, which are free of disease, injuries or abnormalities. Any law enforcement officer may request an examination by a veterinarian. The following shall deem an animal unfit for sale or release:

- (1) Obvious signs of infectious diseases, to include distemper, hepatitis, leptospirosis, rabies or other similar diseases;
- (2) Obvious signs of parasitism including but not limited to: mange, fleas, lice, ticks, ringworm;
- (3) Obvious fractures or congenital abnormalities affecting general health of the animal.

(G) All commercial animal establishments shall comply with the following standards:

- (1) All animals, birds or fish shall be displayed in a healthy condition, or if ill, removed from display and shall be given appropriate treatment immediately;
- (2) All animals shall be quartered and the quarters in which the animals are kept shall be maintained in a clean condition and in a good state of repair;
- (3) There shall be sufficient clean, dry bedding to meet the needs of each individual animal. Litter and/or bedding material shall be changed as often as necessary for the health and well being of the animal. There shall be adequate ventilation to prevent an odor nuisance;
- (4) Feces shall be removed from pens, perches, enclosures and cages as often as necessary to prevent unsanitary conditions and odor nuisance;
- (5) All cages and enclosures are to be of a nonporous material for easy cleaning and disinfecting and shall have secure latches in good repair. Each cage must be of sufficient size that the animal will have room to stand, turn and stretch out to its full length without touching the sides, or top of the enclosure or cage. Wire or wire mesh is an unacceptable surface for dogs or cats to be confined on;
- (6) The floors and walls of any room in which animals are kept shall be covered with impervious, smooth, surfaces and shall be kept in a clean and sanitary condition;
- (7) The premises shall be kept free of insect and rodent infestations. Food supplies shall be stored in rodent-proof containers;
- (8) There shall be available hot water for cleaning purposes. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot easily turn them over and all water containers shall be removable for cleaning;

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(9) Food for all animals and birds shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same and shall be removable for cleaning;

(10) The water temperature shall be maintained at a temperature that is healthful to the species;

(11) Shade from the direct rays of the sun shall be provided for all animals;

(12) Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day and cages must be disinfected when birds are sold. Parrots and other large birds shall have separate cages from smaller birds; and

(13) Every permit holder shall make, keep and maintain systems of records or forms on animals acquired and disposed of as prescribed in this section. These records or forms shall be made available for inspection by any law enforcement officer or humane officer or any representative of the Portage County Health Department.

(a) These records or forms must be maintained on the premises of such commercial animal establishment for immediate inspection.

(b) Each permit holder shall maintain records which fully and correctly disclose a description of the animal, the name and address of the buyer or seller, whether paid for or not, date of acquisition and disposition.

Penalty, see § 3-6-18

§ 3-6-16 ANIMAL CONTROL AGENCY.

(A) Portage County may, if it deems advisable, contract with or enter into an agreement with the person, persons, organization or corporation to provide for the operation of a county animal shelter, impoundment of stray animals, confinement of certain animals, disposition of impounded animals, and for assisting in the administration of rabies vaccination programs.

(B) Dogs and cats adopted from the county designated pound or animal shelter shall be spayed or neutered in accordance with the facilities policies.

Penalty, see § 3-6-18

§ 3-6-17 ENFORCEMENT.

(A) The Portage County Sheriffs Department personnel and other persons authorized by the Portage County Sheriffs Department are authorized to catch and impound animals at large with the authorization to include the pursuit of the animals upon non animal owner private property.

(B) It shall be a violation of this chapter to interfere with a law enforcement officer or Health officer in the performance of their duties.

Penalty, see § 3-6-18

§ 3-6-18 PENALTIES.

Penalties will be assessed as per the Portage County Humane Society schedule.

