

## **Chapter 8 ANIMALS**

### ARTICLE I. - IN GENERAL

### ARTICLE III. - REGULATIONS

### ARTICLE IV. - RABIES CONTROL

### ARTICLE V. - LIVESTOCK

### ARTICLE VI. - DOGS

### ARTICLE VII. - DANGEROUS AND VICIOUS ANIMALS

**State Law reference**—animal health, Wis. Stats. § 95.001 et seq.; captive wildlife, Wis. Stats. § 169.01 et seq.; strays and lost chattel, Wis. Stats. § 170.01 et seq.; animals distrained or doing damage; animals not to run at large, Wis. Stats. § 172.01; animals doing damage, Wis. Stats. § 172.51 et seq.; animals generally and humane officers, Wis. Stats. § 173.01 et seq.; dogs, Wis. Stats. § 174.001; crimes against animals, Wis. Stats. § 951.01 et seq.; providing proper food and drink to confined animals, Wis. Stats. § 951.13; abandoning animals, Wis. Stats. § 951.15.

### **ARTICLE I. IN GENERAL**

Sec. 8-1. Definitions.

Sec. 8-2. Penalties.

Sec. 8-4. Enforcement.

Secs. 8-5—8-26. Reserved.

#### **Sec. 8-1. Definitions.**

In this chapter, the following words and phrases have the following designated meanings:

“Animal” means mammals, other than humans, reptiles and birds.

“At large” means to be off the premises of the owner and not under the control of a person by leash. However, a dog or cat within an automobile of its owner or with the consent of the owner shall be deemed to be upon the owner's premises. Hunting dogs, under the control of the owner, when hunting with the landowner's permission, and law enforcement animals are exempt from this definition.

“Cat” means any feline, regardless of age or sex.

“Dog” means any canine, regardless of age or sex.

“Humane society” means the La Crosse County Humane Society.

“Leash” means a cord or chain, not more than ten feet in length, by which an animal is controlled by the person accompanying the animal. A retractable lead may also be used by a responsible individual, if the lead is of adequate strength to control the animal. Retractable leads shall only be used in open areas.

“License year” means from January 1 through December 31.

## TOWN OF ONALASKA CODE OF ORDINANCES

“Neutered and spayed” refer to animals having nonfunctional reproductive organs.

“Owner” means a person having the right of property or custody of an animal and who keeps or harbors an animal or knowingly permits an animal on property owned by him or in his control.

“Owning” means having actual ownership, harboring, keeping, or having temporary custody of a dog.

“Running at large” means off the premises of the owner, or not in near enough proximity to the owner, so the owner can in fact control his dog. Working farm dogs in the course of normal duties, and hunting dogs, while accompanied by the hunting master, shall not be deemed running at large.

“Service animal” means any guide dog, signal dog, or other animal trained to provide assistance to an individual with a disability pursuant to the Americans with Disabilities Act and Wis. Stat § 106.52(1)(fm).

“Veterinarian” means a person duly licensed to practice veterinary medicine in the state and possessing a doctor's degree in veterinary medicine.

### **Sec. 8-2. Penalties.**

Any person violating this chapter shall be subject to penalties as provided in section 1-17.

(Ord. of 8-1-1984, § 9; Ord. No. 2008-4-28, § 10, 4-28-2008)

### **Sec. 8-4. Enforcement.**

This chapter may be enforced by the County Sheriff's Department or the designee of the town board.

### **Secs. 8-5—8-26. Reserved.**

## **ARTICLE III. REGULATIONS**

Sec. 8-28. Running at large.

Sec. 8-29. Habitually noisy animals.

Sec. 8-30. Duty of owner in case of animal bite.

Sec. 8-31. Animal waste.

Sec. 8-38. Animal-napping.

Sec. 8-39. Protected and prohibited animals, fowl, reptiles and insects.

Secs. 8-42—8-70. Reserved.

### **Sec. 8-28. Running at large.**

It shall be unlawful for the owner or keeper of any animal to permit or suffer such animal to be at large.

### **Sec. 8-29. Habitually noisy animals.**

- (a) It shall be unlawful for any person to knowingly keep or harbor any animal which habitually barks, howls, yelps or cries to the great discomfort of the peace and quiet of the neighborhood or in such a

## TOWN OF ONALASKA CODE OF ORDINANCES

manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are hereby declared to be a public nuisance.

- (b) An animal is considered to be in violation of this section when two or more complaints are filed within a four-week period, signed by adult complainants.

### **Sec. 8-30. Duty of owner in case of animal bite.**

Every owner or person harboring or keeping an animal, who knows that such animal has bitten any person, shall immediately report such fact to the town and shall keep such animal confined pursuant to the requirements this chapter. The owner or keeper of any such animal shall surrender the animal to a law enforcement or humane officer, upon demand, for examination.

### **Sec. 8-31. Animal waste.**

The owner, keeper, walker, or person in charge of any dog, cat, or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley, or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. It is unlawful to burn animal waste or animal remains. This section shall not apply to a person who is visually or physically handicapped.

(Ord. No. 2008-4-28, § 8, 4-28-2008)

### **Sec. 8-38. Animal-napping.**

No person may take an animal of another person from one place to another without the owner's consent, or cause such animal to be confined or carried out of the town or held for any purpose without the owner's consent. This section does not apply to law enforcement officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted in this chapter.

### **Sec. 8-39. Protected and prohibited animals, fowl, reptiles and insects.**

- (a) Endangered species. It shall be unlawful for any person to buy or sell, or attempt to buy or offer for sale, a native or foreign species or subspecies of mammal, bird, amphibian or reptile, or the dead body, or parts thereof, which appears on the endangered species list designated by the United States Secretary of the Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1973, 16 USC Ch. 35. The provisions of this subsection shall not be deemed to prevent the lawful importation, possession, purchase or sale of any species by any public agency, institute of higher learning, persons holding federal permits, persons holding a scientific collector's permit issued by the secretary of the state department of natural resources, or to any person or organization licensed to present a circus. The town may waive the provisions of this subsection for premises with appropriate federal and state permits.
- (b) Regulating the importation of certain birds. No person shall import, or cause to be imported, into the town any part of the plumage, skin, or dead body of any species of hawk, owl, or eagle. This subsection shall not be construed to forbid or restrict the importation or use of the plumage, skin, or body, or any part thereof, legally collected for use by the Native Americans for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (c) Wild animals. Unless prior approval is received from the town, it shall be unlawful for any person to keep, maintain, or have in his possession or under his control within the town any poisonous reptile or any other dangerous or carnivorous wild animal, insect, or reptile with any vicious or dangerous propensities; provided, however, that this subsection shall not apply to creatures used as assistance animals or creatures in the care, custody, or control of a veterinarian for treatment; agricultural fairs;

## TOWN OF ONALASKA CODE OF ORDINANCES

shows, or projects of 4-H Clubs; a display for judging purposes; an itinerant or transient carnival, circus, or other show; dog or cat shows or trials; public or private educational institutions; or zoological gardens, if:

- (1) The location conforms to the county's zoning restrictions;
- (2) All animals and animal quarters are kept in a clean and sanitary condition and maintained so as to eliminate objectionable odors;
- (3) The animals are maintained in quarters constructed to prevent escape;
- (4) No person, other than the owner of the animal, lives or resides within 100 feet of the quarters in which the animals are kept; and
- (5) Such animals are ferrets, nonpoisonous snakes, nonconstricting snakes, rabbits and laboratory rats which have been bred in captivity and which have never known the wild.

### **Secs. 8-42—8-70. Reserved.**

### **ARTICLE IV. RABIES CONTROL**

Sec. 8-71. Rabies vaccinations.

Sec. 8-72. Rabies certificates and tags.

Sec. 8-74. Duty to report suspected rabies infection.

Secs. 8-78—8-97. Reserved.

### **Sec. 8-71. Rabies vaccinations.**

- (a) The owner of a dog shall have the animal vaccinated against rabies at no later than five months of age. If the owner obtains the dog or brings the animal into the town after the animal has reached five months of age, the owner shall have the animal vaccinated against rabies within 30 days after the animal is brought into the town, unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination.
- (b) The owner of a dog shall have the animal revaccinated against rabies before the date the immunization expires as stated on the certificate of vaccination or, if no date is specified, within three years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).
- (c) The town may exempt the owner of a dog from the requirement to have the dog vaccinated against rabies for a year based on a letter from a veterinarian stating that vaccination is inadvisable because of a reaction to a previous vaccination, a physical condition, or a regimen of therapy that the dog is undergoing. Such owner is required to provide a new letter for each year in which the owner seeks an exemption.

### **Sec. 8-72. Rabies certificates and tags.**

The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and a collar with the tag attached shall be kept on the dog at all times. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The following requirements of this section do not apply to a dog:

- (1) During competition or training;

TOWN OF ONALASKA CODE OF ORDINANCES

- (2) Securely confined indoors or a fenced area;
- (3) While hunting;
- (4) Actively involved in herding or controlling livestock if under the control of its owner; or
- (5) That is not required to be vaccinated.

**Sec. 8-74. Duty to report suspected rabies infection.**

Any person who suspects that a pet within the town is infected with rabies or hydrophobia shall report such suspicion to the town, describing the pet and giving the name of the owner, if known.

**Secs. 8-78—8-97. Reserved.**

**ARTICLE V. LIVESTOCK**

Secs. 8-101—8-128. Reserved.

**Secs. 8-101—8-128. Reserved.**

**ARTICLE VI. DOGS**

Sec. 8-129. Disorderly dog.

Sec. 8-130. Abandonment.

Sec. 8-131. Dog license required.

Sec. 8-132. Dog collar required.

Sec. 8-133. Damage by dogs.

Secs. 8-134—8-153. Reserved.

**Sec. 8-129. Disorderly dog.**

It shall be unlawful for any dog owner to fail to prevent such dog from being repeatedly disorderly. The term "disorderly," in this section, means conduct by a dog that is unreasonably loud, violent, or otherwise disorderly conduct under circumstances in which such conduct tends to cause or provoke a disturbance. The term "repeatedly," in this section, means on more than two occasions when a dog owner has received complaints from citizens or law enforcement officers that such owner's dog is or was recently disorderly.

**Sec. 8-130. Abandonment.**

It shall be unlawful for any person owning a dog to abandon it in the town.

**Sec. 8-131. Dog license required.**

No person shall own, keep, harbor or have custody of any dog that is not duly licensed under the laws of the state.

(Ord. of 8-1-1984, § 1; Ord. No. 2008-4-28, § 1, 4-28-2008)

**State Law reference** — Dog licenses and collar tags, Wis. Stats. § 174.07.

**Sec. 8-132. Dog collar required.**

Any person owning, keeping, harboring, or having custody of dogs over five months of age are hereby required to place and keep on said dogs a collar bearing the name and address of the owner of said dog plainly stamped on said collar with its license tag attached thereto. No person, excepting the owner or his authorized agent, shall remove a dog collar containing the name of the owner or license number from any dog.

(Ord. of 8-1-1984, § 2; Ord. No. 2008-4-28, § 2, 4-28-2008)

**Sec. 8-133. Damage by dogs.**

The provisions of Wis. Stats. § 174.02 relating to the owner's liability for damage caused by animals, together with the penalties set forth in such statute, are hereby adopted and incorporated into this section by reference as if fully set forth herein.

(Ord. of 8-1-1984, § 5; Ord. No. 2008-4-28, § 5, 4-28-2008)

**Secs. 8-136—8-153. Reserved.**

**ARTICLE VII. DANGEROUS AND VICIOUS ANIMALS**

Sec. 8-154. Declaration of viciousness; exceptions.

Sec. 8-155. Restraint required.

**Sec. 8-154. Declaration of viciousness; exceptions.**

For purposes of this article, an animal shall be deemed as being of a vicious disposition if, within any 12-month period, it attacks, bites or injures a human being, pet, companion animal, or livestock in unprovoked circumstances off of the owner's premises; provided, however that:

- (1) No animal may be declared vicious if death, injury or damage is sustained by a person who, at the time such death, injury, or damage was sustained, was committing a criminal trespass upon the 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, a law or an ordinance that protects persons or property.
- (2) No animal shall be declared to be vicious if death, injury, or damage was sustained by a domestic animal that, at the time such death, injury or damage was sustained, was teasing, tormenting, abusing, or assaulting the animal.

TOWN OF ONALASKA CODE OF ORDINANCES

- (3) No animal may be declared to be vicious if the animal was protecting or defending a human being within the immediate vicinity of the animal from an unjustified attack or assault.
- (4) No animal may be declared to be vicious if the death, injury, or damage to an animal or a person occurred when the attacking animal was within the confines of a fenced in or enclosed building area, if such building or fenced in area has a sign warning or stating, "Beware of Dog," or other animal.
- (5) No animal may be declared to be vicious if the animal is part of a governmental organization or is a trained guard dog in the performance of its duties.

**Sec. 8-155. Restraint required.**

No vicious animal, as defined in this chapter, shall be allowed off the premises of its owner, unless such animal is muzzled or on a leash and in the charge of a person who is at least 18 years old.

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