CHAPTER 21 ANIMAL CONTROL

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CHAPTER 21 ANIMAL CONTROL

SECTION 21.01 Purpose and Application.

(a) **Purpose.** The purpose of this chapter is to enable the Village of Cross Plains to create an effective and efficient manner of enforcing laws relating to animal control within the Village.

(b) **Application.** The provisions of this chapter shall apply to all owners of domestic animals, fur-bearing animals and game animals as those terms are defined and used in this chapter.

SECTION 21.02 Definitions.

As used in this chapter, the following terms shall have the meaning indicated:

(a) **Chicken.** Common domestic fowl (Gallus gallus).

(b) **Collecting Official.** The official appointed by the Village of Cross Plains Board to collect taxes, fees and penalties.

(c) **Domestic Animals.** Dogs, cats, ferrets, birds, hamsters, gerbils and rabbits**.**

(d) **Fur-Bearing Animals.** Otter, beaver, mink, muskrat, marten, fisher, skunk, raccoon, fox, weasel, opossum, badger, wolf, coyote, wild cat and lynx.

(e) **Game Animals.** Deer, moose, elk, bear, rabbits, squirrels, fox and raccoon.

(f) **Kennel.** Any residential unit that harbors more than four domestic animals, or any establishment wherein or whereon dogs or cats are kept for purposes of boarding, temporary care, breeding, sale or sporting purposes.

(g) **Livestock.** Any horse, bovine, sheep, goat, pig or fowl (excluding chicken as defined above).

(h) **Officer.** A law enforcement officer of the Village of Cross Plains or Dane County.

(i) **Owner.** Any person who owns an animal or is responsible for harboring, keeping, possessing, caring for, or controlling an animal whether or not he actually owns such animal.

(j) **Possess.** To own, restrain, keep in captivity or to transport an animal.

(k) **Running at Large.** An animal that is off the premises of its owner and not under the control of the owner or agent of the owner.

(l) **Veterinarian.** A practitioner of veterinary medicine who is duly licensed under Wisconsin law.

SECTION 21.03 Annual License for Dogs and Cats.

(a) **License Requirement.** Except as provided under Section 174.054, Wis. Stats., any dog or cat more than five months of age on January 1 of any year, or which will attain five months of age during the calendar year, shall be licensed annually.

The owner shall pay the annual license tax and obtain the license from the Village on or before the date the animal becomes five months of age. The owner shall furnish the rabies vaccination certificate as required under Section 21.06(c) at the time the annual license is obtained.

(b) **Annual License Tax.** The annual dog or cat license tax for each neutered male and spayed female, upon presentation of evidence from a veterinarian that the dog or cat is neutered or spayed, and for an unneutered male or unspayed female shall be established by the Village Board.

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

(d) **Late Fee.** If the owner fails to obtain the license prior to April 1 of each year or fails to obtain the license within 30 days of acquiring ownership of a licensable dog or cat, or if the owner failed to obtain a license on or before the dog or cat reached licensable age, the owner shall pay to the Village collecting official a late fee of $5 in addition to the annual license tax.

(e) **No Tax for Guide Dog.** The license tax provisions of this section shall not apply to any specially trained guide or service dog. Every person owning a specially trained guide or service dog shall receive annually a free dog license from the Village collecting official upon application.

(g) **No Tax for Owners of Dogs Kept for Educational or Scientific Purposes.** The license tax provisions of this section shall not apply to an owner of a dog kept only for educational or scientific purposes.

SECTION 21.04 Issuance of Dog or Cat License; Tags.

(a) **Issuance of License.** Upon payment of the required annual license tax and upon presentation of a veterinarian's written proof of rabies vaccination as specified in Section 21.06(c), the Village collecting official shall complete and issue to the owner a license for the dog and cat bearing a serial number and in the form prescribed by the Wisconsin Department of Agriculture, Trade and Consumer Protection stating the date of its expiration, the owner's name and address, and the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat. The Village shall keep a duplicate copy of the license on file.

(b) **License Tag Required.** After issuing the license, the Village collecting official shall deliver to the owner a tag of durable material bearing the same serial number as the license, the name of Dane County and the license year.

(c) **License Tags to be Attached.** The license tag of every dog and cat shall be permanently attached by the owner to the collar or harness of such animal and shall remain so attached at all times, except while the animal is in competition or training, is securely confined indoors, or is confined to a fenced area.

(d) **Duplicate License Tags.** A new tag with a new number shall be furnished to the owner by the Village collecting official in place of the original tag upon

presentation of the license. The Village collecting official shall then endorse the new tag number on the license and shall keep a record in the file.

SECTION 21.05 Kennels.

(a) **Licensing.** Any person who keeps or operates a kennel may, instead of the license tax for each dog or cat required by this chapter, apply to the Village collecting official for a kennel license for the keeping or operating of the kennel. Such person shall pay for the license year a license tax as established by the Village Board. Upon payment of the required kennel license tax and upon presentation of evidence that all animals over five months of age are currently immunized against rabies, the Village collecting official shall issue the kennel license and a number of tags equal to the number of animals authorized to be kept in the kennel.

(b) **Kennel License Tags.** The owner or keeper of a kennel shall keep a kennel license tag attached at all times to the collar or harness of each animal over five months old kept by the owner or keeper under a kennel license. This tag requirement does not apply to a show animal during competition or training, to an animal securely confined indoors, or to an animal securely confined in a fenced area. These tags may be transferred from one animal to another within the kennel whenever any animal is removed from the kennel. The rabies vaccination tag shall remain attached to the animal for which it is issued at all times, but this requirement does not apply to a show animal during competition or training, to an animal securely confined indoors or to an animal securely confined in a fenced area.

SECTION 21.06 Rabies Vaccination Required for Dogs and Cats.

(a) **Vaccination Required.** Every dog and cat shall be regularly vaccinated against the disease of rabies. The owner of every dog and cat shall have such dog and cat inoculated against rabies by a licensed practicing veterinarian within 30 days after the dog and cat reaches five months of age and revaccinated within one year after the initial vaccination. Thereafter, every dog and cat shall be revaccinated before the date that the immunization expires as stated on the vaccination certificate or, if no date is specified, within three calendar years of the previous vaccination. If the owner obtains the dog or cat, or brings it into this state, after the animal has reached five months of age, the owner shall have the animal vaccinated against rabies within 30 days after the dog is obtained or brought into the state unless the animal has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another.

(b) **Exemption for Owners of Dogs Kept for Educational or Scientific Purposes.** The rabies vaccination requirement of this section shall not apply to an owner of a dog kept only for educational or scientific purposes.

(c) **Issuance of Certificate of Rabies Vaccination.** The owner of a dog or cat shall obtain a rabies vaccination certificate. The certificate shall be completed and issued to the owner by the veterinarian at the time of vaccination. The certificate of rabies vaccination shall bear a serial number and be in the form prescribed by the Wisconsin Department of Agriculture, Trade and Consumer Protection stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the animal, the date of the vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Centers for Disease Control of the United States Department of Health and Human Services and the name of the Village of Cross Plains.

(d) **Copies of Certificate.** The veterinarian shall keep a copy of each certificate of rabies vaccination in a file maintained for this purpose until the date that the immunization expires or until the animal is revaccinated, whichever occurs first.

(e) **Rabies Vaccination Tag.** After issuing the certificate of rabies vaccination, the veterinarian shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the veterinarian.

(f) **Tag to be Attached.** The owner shall permanently attach the rabies vaccination tag or a substitute tag to a collar or harness of such animal and the tag shall remain so attached at all times, except while the animal is in competition or training, is securely confined indoors or is confined to a fenced area.

(g) **Duplicate Tag.** The veterinarian may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the certificate of rabies vaccination by the owner. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

(h) **Cost.** The owner shall pay the cost of the rabies vaccination and the cost associated with the issuance of a certificate of rabies vaccination and the delivery of a rabies vaccination tag.

SECTION 21.07 Suspected Rabid Animals.

(a) **Suspected Animal to be Reported.** It shall be the duty of all persons who have notice or knowledge of any animal that has bitten a person, is infected with rabies, or has been in contact with a rabid animal to report such fact to an officer of the Village of Cross Plains or Dane County.

(b) **Quarantine or Destroying an Animal Suspected of Biting a Person or Being Infected or Exposed to Rabies.** An officer shall order an animal quarantined if the officer has reason to believe that the animal has bitten a person, is infected with rabies or has been in contact with a rabid animal. 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 suspected animal in a humane manner and in a

manner which avoids damage to the animal's head. When an animal is killed the procedures in Section 21.08(d) shall be followed.

SECTION 21.08 Quarantine Procedure.

(a) **Quarantine Order.** An officer who orders an animal to be quarantined shall deliver the animal or shall order the animal delivered to an isolation facility or veterinarian as soon as possible but no later than 24 hours after the original order is issued. The officer may order the animal to be quarantined on the premises of the owner only if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence and the animal is currently licensed with the Village.

(b) **Quarantine Periods.**

(1) **Health Risk to Humans; Ten-day Observation Period.** If an animal is ordered to be quarantined because there is reason to believe that the animal has bitten a person, the custodian of the isolation facility, veterinarian or the owner shall keep the animal under strict isolation under the supervision of a veterinarian for at least 10 days after the incident occurred. “Supervision of a veterinarian” includes, at a minimum, examination of the animal on the first day of isolation, on the 10th day of isolation and on one intervening day. If the observation period is not extended and if the veterinarian certifies that the animal has not exhibited any symptoms of rabies, the animal may be released from quarantine at the end of the ten-day observation period.

(2) **Risk to Animal Health; Extended Observation Period for an Animal Exposed to a Rabid Animal.** If an animal is ordered quarantined because there is reason to believe that the animal has been in contact with a rabid animal, the observation period is as follows unless the owner agrees to have the animal killed:

a. If a veterinarian certifies that the animal has not exhibited any symptoms of rabies during the ten-day observation period, the animal may be released from quarantine at the end of that ten-day period.

b. If the animal was currently immunized against rabies at the time of contact with a rabid animal, the officer shall order the animal kept, leashed or confined for an additional 50 days. The owner shall have the animal revaccinated against rabies as soon as possible after exposure to a rabid animal.

c. If the animal is not currently immunized against rabies, the officer shall order the animal kept, leashed or confined for an additional 170 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after exposure to a rabid animal.

(c) **Destroying an Animal Exhibiting Symptoms of Rabies.** If a veterinarian determines that an animal exhibits symptoms of rabies during the ten-day observation period or extended observation period, the veterinarian shall notify the owner and the officer who ordered the animal quarantined and the officer or veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head. If the animal is suspected of having bitten a person, the veterinarian shall notify the person bitten or the person's physician, as well as the Village Administrator/Clerk-Treasurer.

(d) **Delivery of Carcass; Preparation; Examination by Laboratory of Hygiene.** An officer who kills an animal shall deliver the carcass to a veterinarian. The veterinarian shall prepare the carcass, properly prepare and package the head of the animal in a manner to minimize deterioration, arrange for delivery by the most expeditious means feasible of the head of the animal to the State Laboratory of Hygiene and dispose of or arrange for the disposal of the remainder of the carcass in a manner which minimizes the risk of exposure to any rabies virus. The State Laboratory of Hygiene shall examine the specimen and determine if the animal was infected with rabies. The State Laboratory of Hygiene shall notify the veterinarian who prepared the carcass and, if the animal is suspected to have bitten a person, that person or that person's physician.

(e) **Responsibility for Quarantine and Laboratory Expenses.** The owner of an animal is responsible for any expenses incurred in connection with keeping the animal in quarantine, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and the fee for the laboratory examination. The expenses shall be paid by the owner before the animal is released from quarantine. Such payment shall be made to the Village Administrator/Clerk-Treasurer, who shall remit the same to the veterinarian who had the animal under observation. If the owner fails to claim the animal at the end of the quarantine period and/or refuses to pay any of the expenses incurred, then the officer who ordered the quarantine may kill or order the animal killed after giving the owner 24 hours' notice and another opportunity to claim the animal. An owner who fails or refuses to pay any expenses incurred is subject to an action by the Village to collect the moneys due, with interest and actual attorney fees, as well as a forfeiture for violation of this chapter. If the owner is unknown, the county is responsible for these expenses. In the instance where a person is bitten and the owner is unknown, any expenses not paid by the county shall be paid by the person bitten, or by the parents or guardian of such person if such person is a minor.

(f) **Removal from Isolation.** No person shall remove any quarantined animal from an isolation facility without the express written consent of the officer.

(g) **Failure to Comply With Order or Quarantine.** Any person who refuses to comply with an order issued under this chapter to deliver an animal to an officer, isolation facility or veterinarian, or who does not comply with any conditions of such order that an animal be quarantined, shall be subject to a penalty as provided

in Section 21.14 of this chapter. Further, an officer may cause the animal to be killed if the owner fails to comply with a quarantine order**.**

SECTION 21.09 Prohibited Conduct.

(a) **Animals Running at Large Prohibited.** No animal, including livestock, shall be permitted by its owner to run at large in any area within the Village except on the private property of the owner of the animal or on other private property with the consent of the property owner or person in charge.

(b) **Animals Prohibited in Certain Areas.** No animal shall be permitted by its owner to enter or remain in any public building or Village park or recreation land, unless the area is officially posted as permitting such animals, or on any privately owned property without the express consent of the property owner or person in charge. This provision shall not apply to a specially trained guide dog accompanied by a blind or deaf person**.**

(c) **Owner's Responsibility.** The owner of every animal shall be responsible for the conduct of such animal. It shall be unlawful for any person to keep or harbor any domestic animal, fur-bearing animal, or game animal when that animal:

(1) Is known to be infected with the disease of rabies.

(2) Is known to be of vicious disposition; an animal is deemed as being of vicious disposition if within any twelve-month period it bites a person two or more times or inflicts serious injury to one person in unprovoked circumstances.

(3) Has been found to be killing or wounding any animal.

(4) Habitually by any noise disturbs the peace and quiet of any person in the vicinity of the place where such animal is kept; if a complaint is received by a Village official on three or more separate occasions within a one-month period, the animal will be deemed a nuisance.

(5) Habitually pursues and/or chases vehicular traffic and/or vehicles.

(6) Habitually attacks or destroys in any way the property of another, whether private or public property.

(7) Is tied in such manner that the leash extends across a public sidewalk.

(d) **Sanitation Control of Animals.**

(1) If an animal leaves feces, refuse, dirt, food or other foreign substances upon any public sidewalk, terrace, street or other public lands or upon private property other than that of the animal's owner, then the animal's owner or caretaker shall immediately remove these substances and dispose of them in a proper manner.

(2) No person owning or having control of any animal shall suffer or permit such animal to defecate upon any property other than that of the animal's owner or caretaker without immediately causing such defecation to be removed therefrom and properly disposed.

(3) Any person violating any provision of this Subsection shall be subject to a forfeiture as provided in Section 21.14 of this chapter.

(e) **Duties to Horses and Riders.** It shall be unlawful to halt, interfere with or forcibly stop without cause any horse being ridden or driven upon any public highway within the Village of Cross Plains. It shall be unlawful to throw any rock, missile or other substance at any horse, rider or driver. It shall be unlawful for the operator or driver of any automobile to so manipulate the automobile as would reasonably be expected to cause a horse to become frightened or alarmed to such an extent as to endanger the safety of its rider or driver.

(f) **Sale of Certain Animals Prohibited.** No person shall sell, offer for sale, give away, trade, possess or assist in selling, giving or trading any live fur-bearing animal or live game animal in the Village of Cross Plains.

SECTION 21.10 Limitation on Number of Domestic Animals.

(a) **Purpose.** The keeping of a large number of domestic animals within the Village of Cross Plains for a considerable period of time detracts from and, in many instances, is detrimental to healthful and comfortable life in such areas. The keeping of a large number of domestic animals, is, therefore, declared a public nuisance.

(b) **Number Limited.** It shall be unlawful to own, harbor or possess more than a total of four domestic animals in any residential unit or residential lot without the prior issuance of a kennel license by the Village Board, except that a litter of pups or kittens or a portion of a litter may be kept for not more than 10 weeks from birth.

SECTION 21.11 Limitation on Number of Chickens and Other Fowl.

(a) **Purpose.** The keeping of chickens within the Village of Cross Plains may detract from and may be detrimental to healthful and comfortable life in the Village. The keeping of more than four chickens is declared a public nuisance.

(b) **Number Limited.**

(1) An owner or occupant may own, harbor, or keep in its possession up to a total of four chickens upon any lot within the Village upon issuance of a license by the Village Board as set forth in Subsection (c) below.

(2) The keeping of up to four chickens is conditioned upon the following:

a. No owner or occupant shall keep any rooster.

b. No owner or occupant shall slaughter any chickens on the lot.

c. The chickens shall be provided with a covered and fenced enclosure and must be kept in the covered and fenced enclosure at all times.

(3) The covered and fenced enclosure area for any chickens shall conform to any and all regulations regarding accessory buildings for the zoning district in which the covered and fenced enclosure is situated.

(c) **License Required.**

(1) Any person who keeps chickens in the Village shall obtain an annual license prior to January 1 of each year or within 30 days of first acquiring the chickens.

(2) Any person requesting a license shall file an application for a license with the Village Administrator/Clerk-Treasurer and pay an application fee that shall be established by resolution of the Village Board. The application fee shall be nonrefundable and shall be established to defray the cost of inspecting the applicant's premises for compliance with the terms and conditions of this section.

(3) Upon receipt of an application for a license to house chickens (or a subsequent renewal), the Village Administrator/Clerk-Treasurer shall notify all residents within 200 feet of the applicant's address of the application being filed. If more than 50% of the residents within 200 feet of the applicant's property object in writing within 14 days of being notified, the license shall be denied by the Village Board. Otherwise, the application for the license shall be heard by the Village Board at the first regularly scheduled meeting of the Board following the conclusion of the fourteen-day notification period.

(4) If the Village Board grants a license as set forth in Subsection (c)(3) above, the applicant shall pay the license fee within five days of approval by the Village Board. The fee for the license shall be established by resolution of the Village Board, and shall be in addition to the application fee. The Village Administrator/Clerk-Treasurer shall collect the fee and shall assess a late fee of $5.00 per day from the owner if the owner fails to obtain a license within the five-day period.

(d) **License Revocation.** If a complaint is made by anyone to a Village officer that the terms of the license issued to the owner or the applicant are being violated in any way, in addition to the penalties set forth in Section 21.14 of this Code, the Village, on its own motion, may seek to revoke the license of the owner or occupant. To revoke the license, the Village Board shall hold a hearing. At the hearing, the Village and the owner/occupant will be allowed to present testimony as to why the license should be or should not be revoked. Following testimony, the Village Board shall make its decision. The Village shall give at least 14 days written notice of the hearing to the owner or occupant, at the owner's or occupant's last known address.

SECTION 21.12 Possession of Exotic or Wild Animals.

(a) **Definitions.** As used in this section, the following terms shall have the meanings indicated:

(1) **Circus.** A scheduled event staged by a traveling company with mobile facilities in which entertainment consisting of a variety of performances by

acrobats, clowns or trained animals is the primary attraction or principle business.

(2) **Exotic Animal.** Any snake or animal that is not normally domesticated in the United States or is wild by nature.

(3) **Person.** An individual, partnership, firm, joint-stock company, corporation, association, trust, estate, or other legal entity.

(4) **Possess.** To own, control, restrain, transport, or keep.

(5) **Public Zoo or Aquarium.** A zoo or aquarium that is operated by the state or Village or that is an accredited member of the American Zoo and Aquarium Association.

(6) **Veterinarian.** A person who is licensed in this state to practice veterinary medicine under Ch. 453, Wis. Stats., and who is certified under rules promulgated by the Department of Agriculture, Trade and Consumer Protection.

(7) **Wild Animal.** Any of the following animals, whether bred in the wild or in captivity, and also any of their hybrids with domestic species. The animals listed in parentheses are intended to act as examples and are not to be construed as an exhaustive list or to limit the generality of each group of animals, unless otherwise specified.

a. Nonhuman primates and prosimians (chimpanzees, monkeys).
b. Felids, except domesticated cats.
c. Canids (wolf, coyotes, foxes), except domesticated dogs.
d. Prairie dogs.
e. Elephants.
f. Crocodilians (alligators, crocodiles).
g. Marsupials (kangaroos, opossums).
h. Ungulates (hippopotamus, rhinoceros).
i. Hyenas.
j. Mustelids (skunks, otters, badgers), except ferrets.
k. Procyonidae (raccoons, coatis).
l. Dasypodidae (anteaters, sloth, armadillos).
m. Viverridae (mongooses, civets, genets).
n. Reptilia over 10 feet in length (boa constrictors, pythons).
o. Venomous reptilia.
p. Wolf Hybrids

(b) **Intent and Purpose.** The Village Board of the Village of Cross Plains hereby finds that wild or exotic animals are inherently dangerous and do not adjust well to a captive environment. It is the intent of the Village Board to protect the public against health and safety risks that wild animals pose and hereby prohibit the possession of wild or exotic animals within the Village of Cross Plains.

(c) **Possession Prohibited.** It shall be unlawful for any person to possess, sell or purchase an exotic or wild animal.

(d) **Exceptions.** The following persons or entities may possess exotic or wild animals:

(1) A person licensed by the state under Ch. 169, Wis. Stats.

(2) A veterinarian, for the purpose of providing medical treatment to wild animals.

(3) A public zoo or aquarium.

(4) A circus.

(5) A person authorized by the Department of Natural Resources.

SECTION 21.13 Impoundment.

(a) **Unlicensed Dogs or Cats.** All unlicensed dogs or cats may be impounded. Any dog or cat found to be without a license tag attached to any collar or harness of such animal shall be presumed to be unlicensed.

(b) **Impoundment of Untagged Dogs and Cats and Animals Running at Large.** Any officer may take custody of any untagged dog or cat in the Village in violation of this chapter and may impound the dog or cat under the terms and conditions of this chapter. A dog or cat is considered untagged if a valid license tag is not attached to a collar or harness kept on the dog or cat whenever the animal is outdoors unless the animal is securely confined in a fenced area or is in competition.

(c) **Impoundment for Prohibited Conduct.** Any officer may take custody of any animal found to be in violation of any of the provisions of Section 21.09 of this chapter and may impound the animal as provided hereunder. The animal's owner is subject to forfeitures for violations of this chapter.

(d) **Impoundment Procedure.**

(1) **Custody.** Any animal taken into custody under this section shall be impounded under the reasonable care of an officer, a veterinarian, or the Dane County Humane Society and taken to a licensed kennel.

(2) **Notification and Records.** The officer involved, or a designated agent, shall attempt to notify the owner of the animal personally or by mail as soon as possible, if the owner is known or can be ascertained with reasonable effort. The officer or designated agent shall keep a record of each animal taken into custody, including a description, dates of custody and impoundment and disposition. If the animal is released to a person, the name, address and date of delivery should be recorded.

(3) **Impoundment Fee.** The owner of an impounded animal shall pay a one-time impoundment fee of $25.00 to the Village in addition to actual boarding fees, other actual costs incurred by the officer or kennel and any penalties issued for violation of this chapter.

(4) **Boarding Fees.** The fee may not exceed the actual average daily cost for boarding and caring for the animal, including the cost of any veterinarian care, laboratory tests and/or medical treatment provided while in custody.

(5) **Release to Owner.** The officer may release the impounded animal to its owner or a representative of the owner only if the owner or representative:

a. Gives his or her name and address;

b. Presents evidence that the animal is licensed and is vaccinated against rabies, if such license and vaccination are required, or a receipt from a licensed veterinarian for prepayment of a rabies inoculation; and

c. Pays the boarding fees, the impoundment fee and any other actual costs.

(6) **Release of Animal to Person Other Than Owner**. The officer or kennel to whom or to which an animal is delivered may release the animal to a person other than the owner only if:

a. The owner is unknown or does not claim the animal within seven days after the animal is delivered to the officer or kennel;

b. The person to whom the animal is released gives his or her name and address;

c. The person to whom the animal is released signs a statement agreeing to license the animal and to have the animal vaccinated against rabies unless evidence is presented that the animal is licensed and vaccinated; and

d. The person to whom the animal is released, if required by the officer or kennel, pays the boarding fees, impoundment fee and any other actual costs.

(e) **Sale.** If the owner of an impounded animal fails to procure the release of said animal in the manner provided, the Dane County Humane Society shall have the authority to sell such animal at private sale for the best price obtainable. Where compliance with licensing and vaccination requirements has not otherwise been had, any person purchasing an impounded animal shall be required to pay the annual license tax for the current year and procure current vaccination of the animal against rabies within 24 hours of purchase if such license and vaccination are required. The purchase price of the animal may be applied to such tax and cost of vaccination, with any excess being applied to the impoundment fee or costs of room and board. Any further excess of purchase price shall be deposited in the general revenues of the Village.

(f) **Failure to Comply.** The owner of an animal which has been impounded under this chapter and who has not paid either the impoundment or boarding fees may be proceeded against in the name of Dane County and/or the Village of Cross Plains and in the manner provided for in a civil action for the amount of the fees plus any direct collection costs incurred by Dane County and/or the Village of Cross Plains.

SECTION 21.14 Enforcement and Penalties.

(a) **Complaint.** Whenever complaint is made by anyone to a Village official that this chapter has been violated, a police officer, health officer or animal control officer shall be promptly notified, shall inspect the conduct or condition, and take appropriate action. The officer may pursue the abatement proceeding outlined in Section 23.09 of this Code in addition to pursuing the remedies provided in this chapter.

(b) **Removal.** The Village Board may order the owner of an animal which is found repeatedly to be in violation of this chapter to remove the animal from the Village as a public nuisance**.**

(c) **Schedule of Cash Deposits.** An officer issuing a citation shall indicate in the proper place upon it the amount of cash deposit which may be made. The appropriate cash deposits for violation of the various sections of this chapter are as provided in Chapter 14 of this Code.

(d) **Penalties.**

(1) Any person who violates Section 21.04(c), 21.06(f) or 21.09(b)(d) or (e) of this Chapter shall forfeit not less than $10.00 nor more than $50.00.

(2) Any person who violates section 21.09(f) of this Chapter shall forfeit not less than $10.00 nor more than $200.00.

(3) Any person who violates Section 21.03(a) of this Chapter shall forfeit not less than $15.00 nor more than $50.00.

(4) Any person who violates Section 21.07(a) of this Chapter shall forfeit not less than $20.00 nor more than $200.00.

(5) Any person who violates Section 21.09(c)(1), (3), (5), (6) or (7) of this Chapter shall forfeit not less than $25.00 nor more than $50.00.

(6) Any person who violates Section 21.09(c)(4) of this Chapter shall forfeit not less than $25.00 nor more than $75.00 for the first or second offense within any three-month period and not less than $75.00 nor more than $200.00 for each subsequent offense within the three-month period.

(7) Any person who violates section 21.09(a) of this Chapter shall forfeit not less than $25.00 nor more than $100.00 for the first offense and not less than $50.00 nor more than $200.00 for each subsequent offense.

(8) Any person who violates Section 21.05 or 21.06(a) of this Chapter shall forfeit not less than $50.00 nor more than $100.00.

(9) Any person who violates Section 21.09(c)(2) of this Chapter shall forfeit not less than $100.00 nor more than $200.00 for the first offense within any twelve-month period and not less than $200.00 nor more than $300.00 for each subsequent offense within the same twelve-month period.

(10) Any person who violates Section 21.08 of this Chapter shall forfeit not less than $100.00 nor more than $1,000.00.

(11) Any person who violates a provision of this Chapter for which no other penalty is specifically provided shall forfeit not less than $25.00 nor more than $100.00.

(e) **Other Methods Not Excluded.** Nothing in this chapter shall be construed as prohibiting the abatement of public nuisances by the Village of Cross Plains or its officials in accordance with the laws of the State of Wisconsin.

(f) **Each Day a Separate Offense.** Each day of a continuing violation shall constitute a separate offense.

SECTION 21.15 Keeping of Honeybees.

(a) **Purpose.** The Village Board finds that honeybee pollination is important to wildlife that depend on honeybees for a food source and as pollinators of the plants they consume. Further, honeybee hives support a healthy urban food supply. Therefore, notwithstanding any other provision of this Code, honeybees may be kept on any lot, regardless of zoning, subject to the limitations set forth in paragraph (b) below.

(b) **Limitations.**

(1) No bees, other than honeybees, may be kept or maintained within the Village limits.

(2) No honeybee hive shall exceed five (5) cubic feet in volume.

(3) No more than six (6) honeybee hives may be kept on any single lot.

(4) No honeybee hive shall be located closer than ten (10) feet from any property line.

(5) No honeybee hive shall be located less than twenty five feet from a principal building on an abutting lot, and all hives shall be kept in the rear yard of a lot.

(6) An ever present supply of water shall be provided for all honeybee hives.

(7) A flyway barrier, at least six (6) feet in height, shall shield any part of a property line of a lot in different ownership that is within twenty-five (25) feet of a honeybee hive. The flyway barrier must effectively direct bees to fly up and over the barrier when flying in the direction of the barrier. The flyway barrier shall consist of a wall, fence, dense vegetation or combination thereof, and it shall be positioned to transect both legs of a triangle extending from an apex at the hive to each end point of the part of the property line to be shielded. The barrier shall further comply with any applicable fence regulations contained within this Code of Ordinances.

(8) If honeybees are to be kept on a lot, by a person other than the lot owner, the lot owner must give consent in writing to the keeping of honeybees on the lot as part of the application set forth in (c) below.

(c) **License Required.**

(1) Any person who keeps honeybee hives in the Village shall obtain an annual license prior to January 1 of each year or within 30 days of first acquiring the honeybee hives.

(2) Any person requesting a license shall file an application for a license with the Village Administrator/Clerk-Treasurer and pay an application fee that shall be established by resolution of the Village Board. The application fee shall be nonrefundable and shall be established to defray the cost of inspecting the applicant's premises for compliance with the terms and conditions of this section.

(3) Upon receipt of an application for a license to house honeybee hives (or a subsequent renewal), the Village Administrator/Clerk-Treasurer shall notify all residents within 200 feet of the applicant's address of the application being filed. If more than 50% of the residents within 200 feet of the applicant's property object in writing within 14 days of being notified, the license shall be denied by the Village Board. Otherwise, the application for the license shall be heard by the Village Board at the first regularly scheduled meeting of the Board following the conclusion of the fourteen-day notification period.

(4) If the Village Board grants a license as set forth in Subsection (c)(3) above, the applicant shall pay the license fee within five days of approval by the Village Board. The fee for the license shall be established by resolution of the Village Board, and shall be in addition to the application fee. The Village Administrator/Clerk-Treasurer shall collect the fee and shall assess a late fee of $5.00 per day from the owner if the owner fails to obtain a license within the five-day period.

(d) **License Revocation.** If a complaint is made by anyone to a Village officer that the terms of the license issued to the owner or the applicant are being violated in any way, in addition to the penalties set forth in Section 21.14 of this Code, the Village, on its own motion, may seek to revoke the license of the owner or occupant. To revoke the license, the Village Board shall hold a hearing. At the hearing, the Village and the owner/occupant will be allowed to present testimony as to why the license should be or should not be revoked. Following testimony, the Village Board shall make its decision. The Village shall give at least 14 days written notice of the hearing to the owner or occupant, at the owner's or occupant's last known address.

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