

CHAPTER X

SANITATION, WEEDS, AND KEEPING OF ANIMALS

10.1 CONTROL OF WEEDS, GRASSES AND VACANT LOTS.

(1) Mowing Required. No persons owning property within the Village of Elmwood Park shall permit to grow or pollinate upon his premises any weeds or grasses which cause or produce hay fever in human beings, exhale unpleasant or noxious odors or conceal filthy deposits. In order to prevent such growth and pollination, it shall be the duty of every property owner to mow or cause to be mowed upon his premises all grasses or weeds exceeding one foot in height.

(2) Destruction of Weeds Required. Any persons owning, occupying or controlling any land in the Village of Elmwood Park shall, without notice, destroy noxious Weeds growing on such land at least once during each of the following periods of time:

Between June 7 and June 15

Between July 24 and August 1

The term "Noxious Weeds" includes Canada Thistle, Leafy Spurge, Field Bindweed, unsightly and troublesome plants which are detrimental to cultivated crops, public health, public welfare and to the general appearance of the surrounding area, or such uncultivated rank plants which create unpleasant or noxious odors or grow to such height as to permit the concealment of filthy deposits.

~~(2)~~ (3) Mowing by Village. It shall be the duty of the Weed Commissioner to enforce this section and if any person shall fail to comply herewith, the Commissioner shall after five days written notice to the owner, cause the premises to be mowed and report the cost thereof in writing to the Village Clerk in the manner provided in Section 66.96 of the Wisconsin Statutes. Such charge shall be spread on the tax roll as a special tax to be collected in the same manner as other taxes unless lands are exempt from taxation.

Penalty. The penalty for violation of any provision of this Section shall be a penalty as provided in Section 15.04 of this Code.

~~(3)~~ (4) Conditioning of Lots. The owner, agent or lessee of any vacant, sunken or low lying lot in the Village shall keep such lot at all times clean and inoffensive, and free of trash, garbage, rubbish, ashes, unnecessary fill and other refuse, and when required by the Health Officer, shall take such steps as are necessary to prevent the accumulation of any water or offensive material.

(a) Notice of Violation. Whenever the Health Officer discovers any violation of this section, he shall notify the owner, agent or lessee causing allowing or permitting such violation, by means of a written notice of inspection. In such notification, the Health Officer shall set forth the specific condition found, the correction necessary to bring about compliance and a specific and reasonable period of time for such correction and compliance. Each condition specified in the notification, continued or repeated after the time specified in such notification, shall constitute a separate violation of this section.

(b) Service of Notice. Notices provided under this section shall be deemed to have been properly served when the original of the inspection report or other notice has been delivered personally to the owner, agent or lessee, as the case may be, of the premises or lot concerned, or such notice has been sent by mail to the last known address of such person.

(c) Clean Up. In case the owner, agent or lessee of any premises or lot neglects or fails to clean up and remove all garbage, rubbish, ashes, trash, unnecessary fill and other offensive materials after due notice and time specified by the Health Officer, the Health Officer shall request the Village President to cause to be removed such materials and the expense therefor charged against the property. If this charge for cleanup remains unpaid, it shall be made a special tax against the property at the next tax roll.

10.2 TREE TRIMMING AND SANITATION.

(1) Trees to be Kept Trimmed. Trees standing in and upon any public street or place, or upon any lot or land adjacent thereto shall be pruned and trimmed by the owner or owners or occupants of the property on or in front of which such trees are growing so that the lowest branches projecting over the public street or alley or road will provide a clearance of not less than fourteen (14) feet and a clearance of not less than ten (10) feet over any other public place and so that no dead, broken or otherwise hazardous branches shall be likely to fall and do injury to the public. Any tree not trimmed as herein provided shall be deemed hazardous.

(2) Hazardous and Infected Trees. Any tree or part thereof, whether alive or dead, which the Weed Commissioner shall find to be infected, hazardous or a nuisance so as to endanger the public or other trees, plants or shrubs growing within the Village, or to be injurious to sewers, sidewalks or other public improvements whether growing upon public or private premises, shall be removed, trimmed or treated by the owner of the property upon or adjacent to which such tree or part thereof is located. The Weed Commissioner shall give written notice to said owner to remedy the situation which shall be served personally or posted upon the affected tree. Such notice shall specifically state the period of time within which the action must be taken which shall be within not less than twenty-four (24) hours or more than fourteen (14) days as determined by the Weed Commissioner on the basis of the seriousness of the condition of the tree or danger to the public. If the owner shall fail to remove, treat or trim said tree within the time limited, the Weed Commissioner shall cause the tree to be removed, treated or trimmed and shall report the full cost thereof to the Village Clerk, who shall thereupon enter such cost as a special charge against the property.

(3) Cottonwood and Box Elder Trees Prohibited. No person shall plant or maintain within the Village of Elmwood Park any female tree of the species *Populus Deltoides*, commonly called the "Cottonwood", or any tree commonly called the seed-bearing Box Elder or *Acer Negundo*, which may now or hereafter become infested with Box Elder

bugs, and such trees are hereby declared a nuisance. Any person having such trees on his premises shall cause the same to be removed.

If any owner shall fail to remove any such tree within thirty days after receiving a written notice from the Weed Commissioner, the Commissioner shall cause the removal of such tree and report the full cost thereof to the Village Clerk who shall place such charge upon the next tax roll as a special charge against the premises.

(4) Planting of Certain Trees Restricted. No person shall hereafter plant any species of Elm, Catalpa, White Poplar, Lombardy Poplar or Willow Tree.

(5) Cut Tree/Stump Removal. Any person cutting down a tree for any reason shall be required to remove the tree, and its stump, to below the ground level.

(6) Penalty. The penalty for violation of any provision of this section shall be a penalty as provided in Section 15.04 of this Code.

10.11 10.3 RECYCLING ORDINANCE.

(1) Title. This Ordinance shall be referred to as the Village of Elmwood Park Recycling Ordinance.

(2) Purpose. The purpose of this ordinance is to promote recycling, composting, and resource recovery through the administration of an effective recycling program, as provided in Ch. 287, Wis. Stats., and Chapter NR 544, Wis. Administrative Code.

(3) Statutory Authority. This ordinance is adopted as authorized under Ch. 287, Wis. Stats.

(4) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair or interfere with any existing rules, regulations, ordinances or permits previously adopted or issued pursuant to law. However, whenever this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

(5) Interpretation. In its interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes. Where any terms or requirements of this ordinance may be inconsistent or conflicting, the more restrictive requirements or interpretation shall apply. Where a provision of this ordinance is required by Wisconsin Statutes, or by a standard in Chapter NR 544, Wis. Administrative Code and where the ordinance provision is unclear, the provision shall be interpreted in light of the Wisconsin Statutes and the Chapter NR 544 standards in effect on the date of the adoption of this ordinance, or in effect on the date of the most recent text amendment to this ordinance.

(6) Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

(7) Applicability. The requirements of this ordinance apply to all persons within the Village of Elmwood Park, Racine County, Wisconsin.

(8) Administration. The provisions of this ordinance shall be administered by the Board of Trustees of the Village of Elmwood Park and its duly designated agents.

(9) Effective Date. The provisions of this ordinance shall take effect as of the date of its passage and posting.

(10) Definitions. For the purposes of this ordinance:

(a) "Bi-metal container" means a container for carbonated or malt beverages that is made primarily of a combination of steel and aluminum.

(b) "Container board" means corrugated paperboard used in the manufacture of shipping containers and related products.

(c) "Foam polystyrene packaging" means packaging made primarily from foam polystyrene that satisfies one of the following criteria:

1. Is designed for serving food or beverages.
2. Consists of loose particles intended to fill space and cushion the packaged article in a shipping container.
3. Consists of rigid materials shaped to hold and cushion the packaged article in a shipping container.

(d) "HDPE" means high density polyethylene, labeled by the SPI Code #2.

(e) "LDPE" means low density polyethylene, labeled by the SPI Code #4.

(f) "Magazines" means magazines and other materials printed on similar paper.

(g) "Major appliance" means a residential or commercial air conditioner, clothes dryer, clothes washer, dishwasher, freezer, microwave oven (unless the capacitor has been removed), oven, refrigerator, stove, residential and commercial furnaces, boilers, dehumidifiers and water heaters

(h) "Multiple-family dwelling" means a property containing five or more residential units, including those which are occupied seasonally.

(i) "Newspapers" means a newspaper and other materials printed on newsprint.

(j) "Non-residential facilities and properties" means commercial, retail, industrial, institutional and governmental facilities and properties. This term does not include multiple family dwellings.

(k) "Office paper" means high grade printing and writing papers from offices in nonresidential facilities and properties. Printed white ledger and computer printout are examples of office paper generally accepted as high grade. This term does not include industrial process waste.

(l) "Other resins or multiple resins" means plastic resins labeled by the SPI Code #7.

(m) "Person" includes any individual, corporation, partnership, association, local government unit, as defined in Sec. 66.299(1) (a), Wis. Stats., state agency or authority or federal agency.

(n) "PETE" means polyethylene terephthalate, labeled by the SPI Code #1.

(o) "Plastic container" means an individual, separate, rigid plastic bottle, can, jar or carton, except for a blister pack, that is originally used to contain a product that is the subject of a retail sale.

(p) "Postconsumer waste" means solid waste other than solid waste generated in the production of goods, hazardous waste, as defined in Sec. 287.01(7), Wis. Stats., waste from construction and demolition of structures, scrap automobiles, or high-volume industrial waste, as defined in the Wisconsin Statutes.

(q) "PP" means polypropylene labeled by the SPI Code #5.

(r) "PS" means polystyrene labeled by the SPI Code #6.

(s) "PVC" means polyvinyl chloride, labeled by the SPI Code #3.

(t) "Recyclable materials" includes lead acid batteries; major appliances; waste oil, yard waste; aluminum containers; corrugated paper or other container board; foam polystyrene packaging; glass containers; magazines; newspaper; office paper; rigid plastic containers, including those made of PETE, HDPE, PVC, LDPE, PP, PS, and other resins or multiple resins; steel containers; waste tires; and bi-metal containers.

(u) "Solid waste" has the meaning specified in Sec. 287.01(10), Wis. Stats.

(v) "Solid waste facility" has the meaning specified in Sec. 287.01(12), Wis. Stats.

(w) "Solid waste treatment" means any method, technique or process which is designed to change the physical, chemical or biological character or composition of solid waste. "Treatment" includes incineration.

(x) "Waste tire" means a tire that is no longer suitable for its original purpose because of wear, damage or defect.

(y) "Yard waste" means leaves, grass clippings, yard and garden debris and brush, including stumps, roots or shrubs with intact root balls.

(11) Separation of Recyclable Materials. Occupants of single family and two to four unit residences, multiple-family dwellings and nonresidential facilities and properties shall separate the following materials from postconsumer waste:

(a) Lead acid batteries;

(b) Major appliances;

(c) Waste oil;

(d) Yard waste;

- (e) Aluminum containers;
- (f) Bi-metal containers;
- (g) Corrugated paper or other container board;
- (h) Foam polystyrene packaging;
- (i) Glass containers;
- (j) Magazines;
- (k) Newspaper;
- (l) Office paper;
- (m) Rigid plastic containers of PETE, HDPE, PVC, LDPE, PP, PS and other resins or multiple resins.
- (n) Steel containers;
- (o) Waste tires.

(12) Separation Requirements Exempted. The separation requirements of Sec. (11) do not apply to the following:

- (a) Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties that send their postconsumer waste to a processing facility licensed by the Wisconsin Department of Natural Resources that recovers the materials specified in Sec. (11) from solid waste in as pure a form as is technically feasible.
- (b) Solid waste which is burned as a supplemental fuel at a facility if less than 30% of the heat input to the facility is derived from the solid waste burned as supplemental fuel.
- (c) A recyclable material as herein specified for which a variance has been granted by the Department of Natural Resources under Sec. NR 544.14, Wis. Administrative Code.

(13) Care of Separated Recyclable Materials. To the greatest extent practicable, the recyclable materials separated in accordance with Sec. (11) shall be clean and kept free of contaminants such as food or product residue, oil or grease, or other non-recyclable materials, including but not limited to household hazardous waste, medical waste and agricultural chemical containers.

(14) Management of Lead Acid Batteries, Major Appliances, Waste Oil and Yard Waste. Occupants of single family and two to four unit residences, multiple-family dwellings and non-residential facilities and properties shall manage lead acid batteries, major appliances, waste oil and yard waste as follows:

- (a) Lead acid batteries shall be taken to an area retail business that sells vehicle batteries for return.

(b) Major appliances shall be periodically picked up by the Village's solid waste contractor for proper disposal.

(c) Waste oil shall be taken to a licensed vendor of resident's choice.

(d) Yard waste shall be placed at the curb in brown yard waste bags at specified times of the year.

(15) Preparation and Collection of Recyclable Materials. Except as otherwise directed by the Village Board, occupants of single family and two to four unit residences shall do the following for the preparation and collection of the separated materials specified in Sec. 11(e) through (o):

(a) Aluminum containers shall be placed in suitable container at curb side after same have been cleaned.

(b) Bi-metal containers shall be placed in suitable container at curb side after same have been cleaned with ends cut.

(c) Corrugated paper or other container board shall be placed in recycle bin.

(d) Foam polystyrene packaging shall be placed in suitable container at curb side after same has been cleaned.

(e) Glass containers shall be placed in suitable container at curb side after same have been cleaned.

(f) Magazines shall be placed in suitable container at curb side.

(g) Newspaper shall be placed in suitable container at curb side in recycle bin.

(h) Office paper shall be placed in suitable container at curb side.

(i) Rigid plastic containers shall be placed in suitable container at curb side and prepared and collected as follows:

1. Plastic containers made of PETE shall be rinsed free of product residue and caps shall be removed and discarded.

2. Plastic containers made of HDPE including milk jugs and detergent bottles, shall be rinsed free of product residue and caps shall be removed and discarded.

3. Plastic containers made of PVC shall be rinsed free of product residue and caps shall be removed and discarded.

4. Plastic containers made of LDPE shall be rinsed free of product residue and caps shall be removed and discarded.

5. Plastic containers made of PP shall be rinsed free of product residue and caps shall be removed and discarded.

6. Plastic containers made of PS shall be rinsed free of product residue and caps shall be removed and discarded.

7. Plastic containers made of other resins shall be rinsed free of product residue and caps shall be removed and discarded.

(j) Steel containers shall be placed in suitable container at curb side and rinsed free of product residue.

(k) Waste tires shall be disposed of by residents at any approval facility.

(16) Responsibilities of Owners of Designated Agents of Multiple-Family Dwellings.

(a) Owners or designated agents of multiple-family dwellings shall do all of the following to recycle the materials specified in Sec. (11) (e) through (o):

1. Provide adequate separate containers for the recyclable materials.
2. Notify tenants in writing at the time of renting or leasing the dwelling and at least semi-annually thereafter about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the tenants and the delivery of the materials to a recycling facility.
4. Notify tenants of reasons to reduce and recycle solid waste, which materials are collected, how to prepare the materials in order to meet the processing requirements, collection methods or sites, locations and hours of operation, and a contact person or company, including a name, address and telephone number.

(b) The requirements specified in (1) do not apply to the owners or designated agents of multiple-family dwellings if the postconsumer waste generated within the dwelling is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. 911) (e) through (o) from solid waste in as pure a form as is technically feasible.

(17) Responsibilities of Owners or Designated Agents of Non-Residential Facilities and Properties.

(a) Owners or designated agents of non-residential facilities and properties shall do all of the following to recycle the materials specified in Sec. (11) (e) through (o):

1. Provide adequate separate containers for the recyclable materials.
2. Notify in writing at least semi-annually all users, tenants and occupants of the properties about the established recycling program.
3. Provide for the collection of the materials separated from the solid waste by the users, tenants and occupants and the delivery of the materials to a recycling facility.
4. Notify users, tenants and occupants of reasons to reduce and recycle, which materials are collected, how to prepare materials in order to meet the processing requirements, collection methods or sites, locations and hours of

operation, and a contact person or company including a name, address and telephone number.

(b) The requirements specified in (1) do not apply to the owners or designated agents of non-residential facilities and properties if the postconsumer waste generated within the facility or property is treated at a processing facility licensed by the Department of Natural Resources that recovers for recycling the materials specified in Sec. (11) (e) through (o) from solid waste in as pure a form as is technically feasible.

(18) Prohibitions on Disposal of Recyclable Materials Separated for Recycling. No person may dispose of in a solid waste disposal facility or burn in a solid waste treatment facility any of the materials specified in Sec. (11)(e) through (o) which have been separated for recycling, except waste tires may be burned with energy recovery in a solid waste treatment facility.

(19) Enforcement.

(a) For the purpose of ascertaining compliance with the provisions of this ordinance, any authorized officer, employee or representative of the Village solid waste contractor or the designated agent of the Village Board may inspect recyclable materials separated for recycling, postconsumer waste intended for disposal, recycling collection sites and facilities, collection vehicles, collection areas of multiple-family dwellings and non-residential facilities and properties, and any records relating to recycling activities, which shall be kept confidential when necessary to protect proprietary information. No person may refuse access to any authorized officer, employee or authorized representative of the Village solid waste collector or the designated agent of the Village who requests access for purposes of inspection, and who presents appropriate credentials. No person may obstruct, hamper or interfere with such an inspection.

(b) Any person who violates a provision of this ordinance may be issued a citation by the Village Constable to collect forfeitures. The issuance of a citation shall not preclude proceeding under any other ordinance or law relating to the same or any other matter. Proceeding under any other ordinance or law relating to the same or any other matter shall not preclude the issuance of a citation under this paragraph.

(c) Penalties for violating this ordinance may be assessed as follows:

1. Any person who violates Sec. (18) may be required to forfeit \$50.00 for a first violation; \$200.00 for a second violation; and not more than \$2,000.00 for a third or subsequent violation.

2. Any person who violates a provision of this ordinance except Sec. (18), may be required to forfeit not less than \$10.00 nor more than \$1,000.00 for each violation.

10.12 10.4 KEEPING OF ANIMALS.

(1) Definitions regarding the Keeping of Animals. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal means mammals, reptiles and birds.

At large means to be off the premises of the owner and not under the control of some person by leash, but a dog or cat within an automobile of its owner, or in an automobile of any other person with the consent of the owner of said dog or cat, shall be declared to be upon the owner's premises.

Cat means any feline, regardless of age or sex.

Cruel means causing unnecessary and excessive pain or suffering or unjustifiable injury or death.

Dog means any canine, regardless of age or sex.

Farm animal means any warm-blooded animal normally raised on farms in the United States and used for food or fiber.

Law enforcement officer has the meaning provided in Wis. Stats. § 967.02(5) and includes a humane officer under Wis. Stats. § 173.07 but does not include a conservation warden appointed under Wis. Stats. § 23.10.

Leash means a cord, thong or chain not more than ten feet in length by which a dog is controlled by the person accompanying it.

Neutered means a dog or cat having nonfunctional reproductive organs.

Owner means any person owning, harboring or keeping a dog or cat and the occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days. An occupant of any premises on which a dog or cat remains or to which it customarily returns daily for a period of ten days is presumed to be harboring or keeping the dog or cat.

Pet means an animal kept and treated as a pet.

(2) Certain animal nuisances prohibited.

(a) It is unlawful and a public nuisance for any person within the village to own, harbor or keep an animal that:

(1) Habitually pursues any vehicle upon any public street or highway in the village.

(2) Assaults or attacks any person or destroys property.

(3) Is at large within the limits of the village.

(4) Habitually barks or howls or emits other noise to the annoyance of any person.

(5) Kills, wounds or torments any domestic animal.

(6) Is known by such person to be infected with rabies or to have been bitten by an animal known to have been infected with rabies.

(7) Is an unlicensed dog.

(b) It is unlawful for any person knowingly to keep or harbor any dog or animal which habitually barks, howls, or yelps, or any cat which habitually cries or howls to the great discomfort of the peace and quiet of the neighborhood or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs, animals and cats are hereby declared to be a public nuisance. A dog, animal or cat is considered to be in violation of this subsection when written complaints from two or more adults are filed with the village police department within a four-week period. No prosecution shall be commenced except upon the request of the police department, following written petition signed by two or more adult persons.

(3) Vicious animals. No person shall harbor or permit to remain on his premises any animal that is habitually inclined toward attacking persons or animals, destroying property, barking excessively or making excessive noises or running after automobiles.

(4) Injury to property by animals. It is unlawful for any person owning or possessing an animal, dog or cat to permit such animal, dog or cat to go upon any parkway or private lands or premises without the permission of the owner of such premises and break, bruise, tear up, crush or injure any lawn, flower bed, plant, shrub, tree or garden in any manner whatsoever, or to defecate or urinate thereon. Penalties for such damage are as provided in Wis. Stats. § 174.02.

(5) Proper shelter required.

(a) Generally. 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 in the particular county where the animal or shelter is located. Shelters for animals in these instances are considered accessory structures and thereby, require a permit as stated in Chapter 8 of the Ordinance,

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

(1) Ambient temperatures. The ambient temperature shall be compatible with the health of the animal.

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

(c) 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 caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this section, "caged" does not include farm fencing used to confine farm animals.

(2) Shelter from inclement weather. Natural or artificial shelter appropriate to the local climate conditions for the species concerned shall be provided as necessary for the health of the animal. If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.

(d) Minimum space standards. For both indoor and outdoor housing facilities, the facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.

(e) Construction and maintenance standards. 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.

(6) Cruelty to domestic animals.

(a) It is unlawful for any person to abandon any animal. Any law enforcement officer may remove, shelter and care for an 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 such animal to another person to be sheltered, cared for and given medical attention, if necessary.

(b) In all cases the owner, if known, shall be immediately notified and such 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. If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five days after notice, redeem the animal by paying the expenses incurred, the animal may be treated as a stray and dealt with as such.

(c) If in the opinion of such officer an animal is hopelessly injured or diseased as to be beyond the probability of recovery, the officer may kill the animal, and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.

(d) Wis. Stats. §§ 173.10 and 173.24 are adopted by reference and made a part of this section.

(7) Disturbing or harming birds. No person except a county sheriff's deputy (or person designated by them), health or humane officer, in the pursuit of his duties shall, within the village, shoot or kill or commit an act of cruelty to any bird or disturb any bird's nest or bird's eggs.

(8) Leading animal from motor vehicle. No person shall lead any animal upon a village street from a motor vehicle or from a trailer or semi-trailer drawn by any motor vehicle.

(9) Injured animals. No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured. In the event the owner of such animal cannot be located, the village or any animal control agency with whom the village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

(10) Dogs.

(a) Sec. 4-37. State law and county ordinances adopted.

The village adopts as though set forth in full in this section the provisions of Wis. Stats. §§ 174.01 through 174.046 and article II of chapter 4 of Racine County Code of Ordinances, as such sections and articles as they may be amended or renumbered, with regard to restraining actions against dogs, including the imposition of forfeitures for violations of such regulations and other regulations of dogs imposed under this Code, and the impoundment and subsequent delivery, treatment and disposition of dogs; provided, however, that this section shall not be construed to restrict or limit any authority now or hereafter granted by the village board or state law to the village police department with respect to the regulation of dogs and shall not operate to reduce any forfeitures or other penalties which might otherwise be imposed under this Code.

(b) Dogs running at large.

(1) It is unlawful for the owner or keeper of any dog to permit or suffer such dog to be at large, which means that it is off the premises of its owner or keeper and upon any public street, any school ground, any public park or upon any other public or private property without the permission of the owner of the property.

(2) A dog shall not be deemed to be at large if it is attached to a leash not more than ten feet in length which is of sufficient strength to restrain it, and the leash is held by a person of at least ten years of age competent to govern it and prevent it from annoying or worrying pedestrians or trespassing on private property or trespassing on public property where dogs are forbidden; or it is properly restrained within a motor vehicle.

(3) Any stray dog running at large within the corporate limit of the village may be impounded by the village police or their designated agent, or delivered to the local humane society or animal shelter.

(c) Vicious dogs.

(1) No vicious dog shall be allowed off the premises of its owner unless muzzled or on a leash in charge of the owner or a member of the owner's immediate family over 16 years of age. No owner of a vicious dog shall allow it to be off the premises of its owner.

(2) Any vicious dog which is found off the premises of its owner other than as provided in this section may be seized by any person and, upon delivery to the proper authorities, may, upon establishment to the satisfaction of a court of competent jurisdiction of the vicious character of the dog, by testimony under oath reduced to writing, be killed by the police authorities.

(3) A dog shall be deemed to be of a vicious disposition if it bites or inflicts serious injury to a person in unprovoked circumstances off the owner's premises or when a propensity to attack or bite humans shall exist.

(d). Owner's liability for damage caused by dogs.

The provisions of Wis. Stats. § 174.02 relating to the owner's liability for damage caused by dogs, together with the penalties therein set forth, are hereby adopted and incorporated in this section by reference.

(e) Dog feces.

(1) It is unlawful for any person in immediate control of any dog to permit fecal matter which is deposited by such dog while off of its own premises to remain on any street, lawn, field or any public property. It is solely the responsibility of the person in control of the dog to immediately, after deposit, remove all fecal matter and dispose of the same.

(2) Any person owning or having control of a dog on any property, public or private, which is not owned or occupied by such person shall promptly remove excrement left by such dog and place it in a proper receptacle, bury it or flush it in a toilet on property owned or occupied by such person.

(3) Any person causing or permitting a dog to be on any property, public or private, not owned or occupied by such person shall have in his immediate possession a device or object suitable for removal of excrement and a depository for the transmission of excrement to the property owned or occupied by such person.

(4) This section shall not apply to a person who is visually or physically handicapped.

(5) Any adult person alone or together with other adults may report dog fecal matter violations under this section by a complaint to the village police department.

(f) Dog Licensing.

It is unlawful for any person in the village to own, harbor or keep any dog more than five months of age after July 1 of the license year without complying with the provisions of this division relating to the listing, licensing and tagging of the same.

It is unlawful for any person in the village to own, harbor or keep any dog more than five months of age or within 30 days of acquiring ownership of a licensable dog without complying with the provisions of Wis. Stats. §§ 174.05 through 174.10 relating to the listing, licensing and tagging.

(1) License and metal tag to be obtaining from clerk; clerk to maintain register of licenses.

Owners must obtain dog license in person or by mail from village treasurer by April 1 of each calendar year. The clerk will maintain a register of all dog licenses issued and issue a numbered county dog license metal tag. The dog owner must attach the metal identification tag to the collar of dog when issued.

(g) Fees.

The village clerk shall assess and collect regular dog license fee provided in the village fee schedule. The clerk shall assess and collect a late fee in the amount provided in the village fee schedule from every owner of a dog five months of age or over if the owner failed to obtain a license prior to April 1 of each calendar 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. The late fee shall be charged in addition to the required license fee.

(h) RABIES VACCINATION.

(1) Required.

The owner of a dog shall have the dog vaccinated against rabies by a veterinarian within 30 days after the dog reaches four months of age and re-vaccinated within one year after the initial vaccination. If the owner obtains the dog or brings the dog into the village after the dog has reached four months of age, the owner shall have the dog vaccinated against rabies within 30 days after the dog is brought into the village, unless the dog has been vaccinated as evidenced by a current certified date of rabies vaccination. The owner of a dog shall have the dog re-vaccinated against rabies by a veterinarian before the date of that immunization expires as stated on the certificate of vaccination or, if no date is specified, within two years after the previous vaccination. The certificate of vaccination shall meet the requirements of Wis. Stats. § 95.21(2).

(2) Issuance of certificate of rabies vaccination.

A veterinarian who vaccinates a dog against rabies shall complete and issue to the owner a certificate of rabies vaccination bearing a serial number and in the form approved by the village stating the owner's name and address, the name, sex, spayed or unspayed, neutered or un-neutered, breed and color of the dog, the date of the vaccination, the type of rabies vaccination administered and the manufacturer's serial number, the date that the immunization expires as

specified for that type of vaccine by the federal Center for Disease Control and the village.

(3) 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 dog is re-vaccinated, whichever occurs first.

(4) 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.

(5) Tag to be attached to dog's collar.

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, but this requirement does not apply to a dog during competition or to a dog securely confined indoors. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this section do not apply to a dog which is not required to be vaccinated under this division.

(6) Duplicate tags.

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. The veterinarian shall then indicate the new tag number on the certificate and keep a record in the file.

(7) Cost of vaccination.

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.

(11) Prohibited Animals or Species Within the Village.

(a) Keeping of Fowl Prohibited. No person shall keep, raise or have in his possession any live fowl within the City, erect or maintain and use on any lot or parcel of land within the City any yard, coop, structure or other building for the purpose of keeping or housing any type of fowl, including, but not limited to, chickens, geese, ducks, turkeys, pheasants or guinea hens, except, however, the keeping of racing or show pigeons.

(b) Keeping of Livestock Prohibited. No person shall keep any livestock within the City, including, but not limited to, cattle, horses, mules, goats, sheep or pigs.

(c) Keeping Wild and Exotic Animals Prohibited. No person shall keep, maintain or have in such person's possession or under such person's control any poisonous reptile, dangerous or wild animal or insect, including, but not limited to, poisonous insects and arachnids, all poisonous snakes, constrictor snakes, any snake exceeding four (4) feet in length, non-human primates, bears, crocodiles, alligators, coyotes, elephants, gamecocks and other fighting birds, hippopotami, hyenas, jaguars, leopards, lions, lynx, pumas, cougars, mountain lions, panthers, ocelots, tigers, or other wild feline species, wolf hybrids and wolves.

(d) Exceptions. The prohibitions set forth shall not apply to licensed pet shops, zoological gardens, public or private educational institutions, circuses and professional animal acts or for entertainment activities. If such, the following are required:

1. Their location conforms to the zoning requirements of Chapter 9 of this Municipal Code
2. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
3. Animals are maintained in quarters so constructed as to prevent their escape.

10.13 10.5 PENALTIES.

The penalty for violation of any provision of this chapter shall be a penalty as provided in Section 15 of this Code. A separate offense shall be deemed committed on each day on which a violation occurs or continues, provided no forfeiture shall be imposed for a violation of Section 10.03 when connection to the sewer or water main is enforced at the expense of the property owner.

(Amended and Adopted October 19th, 2021)