

ORDINANCE 2024-01

AN ORDINANCE AMENDING ARTICLE I (BARKING DOGS) AND ARTICLE IV (VICIOUS ANIMALS PROHIBITED; PIGEONS) OF CHAPTER 102 (ANIMALS) OF THE MUNICIPAL CODE OF THE VILLAGE OF HOBART, BROWN COUNTY, WISCONSIN

Purpose: The purpose of this Ordinance is to amend the Municipal Code addressing animals and animal control, specifically barking dogs, dangerous and vicious animals, and the control of the feral cat population in the Village.

The Village Board of the Village of Hobart, Brown County, Wisconsin, does ordain as follows:

Section 1: Article I (Barking Dogs) of Chapter 102 (Animals) of the Municipal Code of the Village of Hobart, is hereby re-created to read as follows:

§ 102-1. Definitions.

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

AUTHORIZED TNR PROGRAM

A TNR program directed and coordinated by Cats Anonymous, Inc., a Wisconsin corporation, provided it remains a non-profit animal rescue or welfare group and has at least one of its purposes, the rescue and placement of cats which cannot be kept or placed by public animal control agencies or humane shelters.

CRUEL

Causing unnecessary and excessive pain / suffering or unjustifiable injury or death to an animal.

DOG

Any canine, regardless of age or sex, or any animal which is in whole or part of the canis lupus or wolf species.

DOMESTIC CAT OR DOG

Any cat or dog that is socialized to humans and is appropriate as companion for humans.

FARM ANIMAL

Any warm blooded animal / fowl normally or historically kept or raised on farms and usually used or intended for use as food or fiber, or for improving animal nutrition, breeding, management, or production efficiency, or for improving the quality of food or fiber. This includes: horses, ponies, mules, donkeys, cows, pigs (including pot-bellied or other miniature pigs), goats, sheep, chickens, ducks and turkeys.

HARBORING OR KEEPING

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

OWNER

Any individual, partnership or corporation that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian, or who knowingly permits an animal to remain on or about his premises / property for ten or more consecutive days. For purposes of this chapter, any individual designated in writing by an authorized TNR program, who acts as a caregiver for a feral or stray cat that has been ear tipped and neutered as part of a TNR program shall not be deemed to be an owner of such feral or stray cat; provided however, that such individual complies with the provisions of this chapter and provides the village a copy of the written designation upon request.

WILD ANIMAL

Any native or non-native animal of a species which is generally not bred or kept by human beings and which generally exists untamed in the wild, or any animal that is wild, ferocious, dangerous, or vicious by nature, habit, disposition, or character.

§ 102-2. Keeping barking dogs prohibited.

It shall be unlawful for any person knowingly to keep or harbor any dog which habitually barks, howls or yelps to the great discomfort of the peace and quiet of the neighborhood or in such manner as materially to disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such dogs are hereby declared to be a public nuisance. A dog is considered to be in violation of this section when two complaints are filed with the police department, substantiated by a complainant.

§ 102-3. Enforcement.

A. Upon receiving a complaint from a person or persons of a barking dog, the Police Department shall serve a written notice on the owner of said dog, where the written notice shall indicate:

- (1) Time and place of disturbance created by the dog.
- (2) Description of dog.
- (3) Action to be taken by the Village upon further complaint.

B. Impounding of animals. Upon receiving a second complaint from a person or persons of the dog described in the written notice of Subsection A, the police, the Village's designated animal control agent, any authorized employee of the Village, or any county or Village law enforcement officer may apprehend and impound the dog. The Police Department shall serve written notice on the owner within 48 hours of impounding.

C. Redeeming impounded animals. The owner may recover the dog within the time period established by the Village and given in the written notice. If the owner shall not recover the dog within the time period, the dog shall be disposed of.

§ 102-4. Violations and penalties.

Any owner who shall keep or harbor a barking dog after receiving the second written notice as described in § 102-3B of this article shall be subject to a forfeiture of not less than \$5 and not more than \$500 together with the actual costs of prosecution, including attorney's fees. Each day of continuing violation shall constitute a separate offense.

Section 2: Article IV (Vicious Animals Prohibited; Pigeons) of Chapter 102 (Animals) of the Municipal Code of the Village of Hobart, is hereby re-created to read as follows:

§ 102-20. Animals suspected of biting people.

A. All incidents occurring in the Village where any animal bites a person or is suspected of biting a person shall be reported immediately to the Brown County Health Department or to the police department by any person having knowledge of such incident.

B. Any animal which bites a person in the Village, if it can be found, shall be quarantined for 10 days from the date of the bite for the purpose of observation for the possibility of infection with the virus of rabies.

C. Such quarantine shall be effected as directed by the County Health Commissioner or his representative and may be:

(1) Confinement of the animal to a structure or enclosure which is adequate to restrain the animal on the premises of the owner or his agent; or

(2) Confinement of the animal at the Village-designated pound; or

(3) Confinement of the animal with a licensed veterinarian; or

(4) Confinement of the animal at an animal hospital or boarding facility approved by the County Health Commissioner.

D. No animal which is known or suspected to have bitten a person in the Village shall be destroyed until after the ten-day quarantine period required in Subsection B above has elapsed, unless it cannot be apprehended safely, in which case destruction shall be accomplished without damage to the head of the animal if at all possible. The County Health Commissioner shall be immediately notified of such destruction of an animal and the dead animal shall not be disposed of until such specimens as the County Health Commissioner shall direct have been obtained and permission is given to dispose of the dead animal.

E. If an animal which has been quarantined in accordance with this section dies during the quarantine period, the person having custody of the animal shall immediately notify the County Health Commissioner and shall not destroy or dispose of the dead animal until after such specimens as the County Health Commissioner shall direct have been obtained and permission is given to dispose of the dead animal.

§ 102-21. Dangerous animal.

A. Definitions. The following definitions shall apply to the section only:

DANGEROUS ANIMALS

Any animal which:

- (1) Without provocation, while not under the control of its owner, chases, confronts, or approaches a person in a menacing fashion while off its owner's property and it is clear that the animal is not merely being protective in a particular set of circumstances.
- (2) When unprovoked and while off its owner's property, approaches a domestic animal in a menacing fashion or injures/kills another domestic animal.
- (3) When unprovoked and while off its owner's property, causes a nonsevere, nonbite injury in a menacing fashion to any person or domestic animal.
- (4) Has been declared dangerous by at least one other municipality.

DOMESTIC ANIMAL

Any livestock

DOMESTIC CAT OR DOG

Any cat or dog that is socialized to humans and is appropriate as companion for humans.

MENACING FASHION

Demonstrating an intent or desire to cause injury by one or more of the following actions:

- (1) An attempt to bite a person or another animal in such a fashion to show plainly to a reasonable person an unfriendly intent and put a person in fear of attack.
- (2) Growling or barking, etc. in an unfriendly manner while approaching or chasing a person or another animal.
- (3) Growling or barking in an unfriendly manner while making physical contact with a person or another animal.

OFFICER

Any peace officer or a Brown County or Village of Hobart humane animal control officer.

OWNER

Any individual, partnership or corporation that has the right of property in an animal or who keeps, harbors, cares for, acts as its custodian, or who knowingly permits an animal to remain on or about his premises / property for ten or more consecutive days. For purposes of this chapter, any individual designated in writing by an authorized TNR program, who acts as a caregiver for a feral or stray cat that has been ear tipped and neutered as part of a TNR program shall not be deemed to be an owner of such feral or stray cat; provided however, that such individual complies with the provisions of this chapter and provides the village a copy of the written designation upon request.

PROVOKED

Any attack by an animal or physical injury caused by an animal shall be considered provoked if at the time that the attack occurred, or the injury is inflicted:

- (1) The person who was attacked or injured was teasing, tormenting, abusing, or assaulting the animal; or
- (2) The animal was protecting a person, itself, its young or another domestic animal from an attack by a human being or another animal; or
- (3) The person who was attacked or injured was committing a crime on the property of the animal's owner.

UNPROVOKED BITE

Not stimulated to produce an angry or vexed reaction.

B. Dangerous animals prohibited.

- (1) Possession of a dangerous animal prohibited. No person shall own, keep, possess or return to, or harbor a dangerous animal within the Village. Any animal considered or deemed dangerous or vicious by any other community is considered vicious and dangerous in this community and is therefore prohibited.
- (2) If a business exists within the Village for the purpose of training or rehabilitating animals deemed to be dangerous by the Village or any other municipality, this business may possess such animal for the purpose of rehabilitation and training but said animal must be removed from the community immediately upon the completion of the training or rehabilitation.
- (3) Penalty. Any person who owns, keeps, possesses, harbors, or returns any dangerous animal to the Village after it has been declared to be dangerous by owner's omission, quasi-judicial hearing, another community, or appeal, shall be subject to a forfeiture of not less than \$500 nor more than \$1,000.

C. Procedure for declaring an animal as dangerous.

- (1) The Chief of Police or the Chief's designee may determine an animal to be "dangerous" whenever, upon investigation, that officer finds that the animal meets the definition of dangerous as delineated in Subsection A above.
- (2) The Chief of Police or the Chief's designee, upon making the determination that an animal is dangerous, shall issue a written order declaring the animal to be dangerous and demanding that the owner remove it from the Village within five days.
- (3) If the owner objects to the declaration of dangerousness, they may file a written objection contesting the declaration with the Village Clerk within five days of receiving the written declaration.
- (4) Upon receipt of the owner's written objection within the prescribed five days, the matter shall be placed on the next practicable Village Board meeting agenda for review.
- (5) The Village Board shall act as a quasi-judicial body allowing the animal's owner an opportunity to present evidence as to why the animal should not be declared a prohibited dangerous animal.

D. Pending any investigation as to whether an animal is a dangerous or prohibited dangerous animal or pending a hearing on an appeal under subsections (3), (7), or (8), the animal must be securely confined in a humane manner either on the premises of the owner or caretaker, with a licensed veterinarian or other appropriate facility such as the local humane society. The Chief of Police or the Chief's designee may order impoundment of the animal pending his/her investigation and through any appeal hearing, pursuant to Wis. Stats. §173.13(1). All costs associated with the impoundment of the animal shall be the responsibility of the owner or caregiver.

E. After the hearing, and after the Village Board has made a decision and its report has been approved, the owner shall be immediately notified of the decision in writing by certified mail. If a decision is made that the animal is a prohibited dangerous animal, the owner shall comply with the order to remove the animal from the Village within five days after receiving the written decision, if not already removed.

F. If the owner further contests the decision, he or she may, within five days of receiving the written decision, seek review of the decision by the Circuit Court .

G. If the declared dangerous animal is not removed from the Village within 10 days of it being declared dangerous by owner's omission, quasi-judicial hearing, or appeal, it may be seized and ordered destroyed pursuant to § 174.02(3), Wis. Stats., and in the manner prescribed in Subsection H below of this chapter.

H. Manner and procedure for destruction of dangerous dogs/other animals. Whenever an officer or veterinarian is required to destroy a dangerous animal, the animal shall be destroyed in a humane manner which avoids damage to the animal's head.

I. Exemption for police dogs. The provisions of this section regarding dangerous dogs shall not apply to dogs owned by law enforcement agencies and used for law enforcement purposes.

§ 102-22. Running at large prohibited.

No person owning, harboring or keeping any animal or fowl shall allow the same to run at large within the Village. See also § 102-13 for dogs.

§ 102-23. Exception allowing the keeping of certain species of pigeons.

A. The definition of "fowl" shall include pigeons. However, the species known as homing, carrier or racing pigeons shall be exempt from the confinement regulations to the extent that such birds may be permitted to fly for training purposes and races.

B. All coops and pens shall be constructed so as to be easily cleaned and kept in good repair. The inside and outside of such structures shall be whitewashed or painted as often as necessary to keep them clean or finished with such material as can be easily cleaned. All such structures shall be kept clean and sanitary and shall not cause any objectionable odor. Accumulations of cleanings or excrement of more than one day's operation in any such structure shall be deemed a violation of this section. The harboring of pigeons other than in a pen or coop so described in this section shall be declared a public nuisance.

§ 102-24. Keeping of livestock regulated.

A. Livestock. No person shall keep or maintain any livestock such as horses, cattle, sheep or goats in any zoning district except as a permitted or conditional use.

§ 102-25. Trapping

A. Prohibited in general. No person, firm, or corporation shall, within the village limits, trap any animal, wild, domesticated or otherwise, nor place, lay or in any other manner set any trap designed for such a purpose unless:

(1) This prohibition shall not apply to the owner of any land who sets animal traps on their property, but the Village will not accept nor take possession of any animal trapped.

(2) This prohibition shall not apply to any federal, state, or local government official who sets traps as part of any act within the scope of such official's employment.

§ 102-26. Trap-Neuter-Release

A. For the purpose of this subsection, the following terms have the meanings indicated:

ALTERED FERAL CAT

A feral cat that has been captured, sterilized, ear tipped, and vaccinated against rabies.

EAR TIPPED

A straight line cut of the tip of the ear on a cat, performed by a licensed veterinarian when a cat is under anesthesia and identifies a cat that is sterilized.

FERAL CAT

A cat that is wild, untamed, or unsocialized.

FERAL CAT COLONY

A group of cats that congregates, more or less, together as a unit. Although not every cat in a colony may be feral, any nonferal or free-roaming cats that congregate with a colony shall be deemed to be part of it.

HOLDING FACILITY

The facility designated by the village.

STRAY CAT

A cat that is socialized to humans and does not have an owner.

TNR

A trap, neuter and return program pursuant to which feral and stray cats are trapped, neutered or spayed, vaccinated against rabies, ear tipped and returned to the original location where they live.

FREE ROAMING CAT

A cat that is regularly off the property of the owner and is not under the physical control or restraint of the owner.

B. A feral cat may be released from a holding facility under the following circumstances only:

- (1) The feral cat is sterilized, ear tipped, and vaccinated against rabies pursuant to standard TNR practices
- (2) The place of release is within 300 feet of the place where the feral cat was trapped
- (3) No more than two feral cats can be released in the same place at the same time

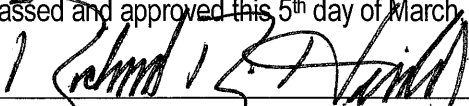
C. No outdoor feeding of cats (including providing water) by any person is permitted except under the following circumstances:

- (1) The feeding takes place under direct observation between the hours of sunrise and sunset;
or
- (2) The feeding is necessary to trap the feral cat for sterilization surgery or necessary medical care, and the feeding takes place between the hours of sunrise and sunset for a duration of no more than one week.
- (3) This prohibition shall not apply to any federal, state, or local government official who feeds a cat as part of any act within the scope of such official's employment.

Section 3: Any Ordinance or parts thereof, inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall be published as required by law after passage by the Village Board.

Passed and approved this 5th day of March, 2024.


Richard Heidel, Village President

Attest:



Aaron Kramer, Village Administrator

CERTIFICATION

The undersigned, being the duly appointed Clerk of the Board of the Village of Hobart, certifies that the aforementioned is a true and exact reproduction of the original ordinance or resolution adopted by the Village Board.

IN WITNESS WHEREOF, I have executed this Certificate in my official capacity on March 5th 2024.




Lisa Vanden Heuvel, Village Clerk