

CHAPTER 27

ANIMAL CONTROL ORDINANCE

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27.01 Purpose and Intent. The purpose of this ordinance is to promote health, safety and general welfare of animals and the people around them by requiring that animals be cared for in such a manner that they will not become a public nuisance, requiring animals be properly fed, sheltered and cared for, requiring the removal of animal defecation from public property and to ensure licensing and rabies vaccination of all dogs in Sauk County.

27.02 Definitions. As used in this ordinance, the following terms mean:

(1) ADULT DOG. A dog over five (5) months of age.

(2) ANIMAL. Any mammal, bird, reptile, amphibian, mollusk, or arthropod or any egg of any bird, reptile, amphibian, mollusk, or arthropod.

(3) ANIMAL-AT-LARGE. An animal shall be deemed to be at large when off the property of the owner and not under restraint or control.

(4) ANIMAL CONTROL OFFICER. Any person designated by the Sauk County Sheriff's Department to enforce County Ordinances and State Statutes, adopted by reference, as they pertain to animal control.

(5) ANIMAL SHELTER. Any facility operated by a Humane Society, Sauk County or an authorized agent, for the purpose of impounding and caring for animals held under the authority of this Ordinance and/or State Law.

(6) CONFINED. Restriction of an animal at all times to an escape proof building or other enclosure.

(7) COUNTY POUND. A shelter where stray, impounded, lost or abandoned animals are kept and administered by Sauk County or its authorized agent.

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

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

(10) EXOTIC DOMESTIC ANIMAL. Any wild animal which is not native to Wisconsin and may have been domesticated, such as ferrets and primates.

(11) HEALTH OFFICER. Sauk County Director of Health or a duly designated representative of the Sauk County Department of Public Health.

(12) KENNEL.

(a) Any premise where a person owns or engages in the business, service or hobby of boarding, breeding, buying, selling, letting for hire or trading more than 12 adult dogs per year solely on one (1) premise or a combination of premises; or,

(b) The breeding or selling of more than one (1) litter, per owner or business, per premise per year.

(13) LICENSING AUTHORITY. The licensing authority shall be the municipality (Township, Village or City Treasurer) or its delegated collecting agent.

(14) OWNER. Includes any person who owns, harbors, controls or keeps an animal. Where an animal is kept by a family, the adult owner(s) shall be responsible for the requirements

of this ordinance. Any animal shall be deemed to be harbored if it is fed and sheltered.

(15) PUBLIC NUISANCES. Any animal or animals which:

(a) Attacks, harasses or molests persons or vehicles.

(b) Attacks persons or animals without provocation.

(c) Trespasses on school grounds, parks or cemeteries.

(d) Is repeatedly at-large.

(e) Damages private or public property.

(f) Barks, whines or howls in an excessive, continuous or untimely fashion.

(16) RENDER STERILE. A surgical procedure (neutering or spaying) that has been performed on an animal that renders it incapable of siring or bearing offspring.

(17) RESTRAINT. Securing an animal by a leash or lead; having an animal under the control of a responsible person and obedient to that person's command; or having the animal within the real property limits of his owner.

(18) SHELTER. An enclosure to protect animals from the elements and a structure that provides a clean, healthy living environment.

(19) TRAINED INDIVIDUAL. Has the meaning as defined in Wis. Admin. Code ATCP § 13.01(5).

(20) VETERINARIAN. Means either a person who is licensed in this state to practice veterinary medicine under Wis. Stat. ch. 453 or a person who is licensed by another state to practice veterinary medicine and is duly licensed by the examining board.

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

(22) VICIOUS ANIMAL. Any animal that, when unprovoked, bites, injures kills or attacks a human being or domestic animal.

Notwithstanding the definition of a "Vicious Animal" as stated above:

(a) No animal may be declared vicious if death, injury or damage is sustained by a human being who, at the time of such was sustained, was committing a trespass of the land or criminal trespass of the dwelling upon premises occupied by the owner of the animal, or was teasing,

tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime or violating or attempting to violate an ordinance which protects persons or property.

(b) No animal may be declared vicious if death, injury or damage was sustained by a domestic animal which, at the time such was sustained, was teasing, tormenting, abusing or assaulting the animal.

(c) No animal may be declared vicious if the animal was protecting or defending a human being within immediate vicinity of the animal from an unjustified attack or assault.

(d) No animal may be declared vicious for acts committed by said animal while being utilized by a law enforcement agency for law enforcement purposes while under the control and direction of a law enforcement officer

(23) WILD ANIMAL. Any animal of a wild nature that is normally found in the wild and that is not a domestic animal.

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

27.04 State Laws Adopted. The provisions of Wis. Stat. § 95.21, Wis. Stat. chs. 173 and 174, exclusive of penalties, are adopted by reference and are made part of this Code, so far as applicable. This ordinance meets the criteria of adoption for participation in the rabies control program as approved by the Wisconsin Department of Agriculture, Trade and Consumer Protection.

27.05 Licensing and Rabies Vaccination Required. (1) License required. This section is effective January 1, 1998. Until such effective date, the rates and terms then in effect shall remain effective.

(a) Dog license.

1. Any person owning, keeping, harboring or having custody of any dog over five (5) months of age, within the County of Sauk, must obtain a license as herein provided.

2. Written application for licenses shall be made to the licensing authority, which shall include the name and address of the applicant, description of the animal, the appropriate fee and

rabies certificate issued by a veterinarian, and, if applicable, written proof that the animal has been rendered sterile. Only a veterinarian may administer a rabies vaccination and sign a rabies certificate.

3. Licenses for the keeping of dogs shall be for a period of one (1) calendar year.

4. Application for license must be made within 30 days after obtaining a dog over four (4) months of age, except that this requirement will not apply to a nonresident keeping a dog within Sauk County for not longer than 30 days.

5. Licensing fees shall not be required for companion dogs that have been certified to assist physically impaired persons. Every person owning such a dog shall receive, annually, a free dog license upon application.

6. Upon acceptance of the license application, fee and rabies certification, the licensing authority shall issue a paper license along with a durable tag, stamped with an identifying number and the year of issuance. Tags should be designed so they may be conveniently fastened or riveted to the animal's collar or harness.

7. Dogs must wear license and rabies vaccination tags at all times when off the premises of the owner with the following exceptions:

- a. During competition.
- b. During training.
- c. While securely confined indoors.
- d. While hunting
- e. While securely confined in a fenced area.
- f. While herding or controlling livestock.

8. The licensing authority shall maintain a record of the identifying numbers of all tags and shall make this record available to the public.

9. The license year commences on January 1st and ends on the following December 31st. Applications for license may be made 30 days prior to the license year. Persons applying for a license during the license year shall be required to pay fifty percent (50%) of the fee stipulated in this section if the animal becomes five (5) months of age after July 1st of the licensing year.

10. The licensing authority, or agent, shall assess and collect a late fee of five dollars (\$5.00) if the owner fails to obtain a license prior to April 1st of each year, or within 30 days of

acquiring ownership of a licensable animal, or if the owner fails to obtain a license on, or before, the date the animal reaches five (5) months of age. The five-dollar (\$5.00) late fee collected shall be paid into the local treasury as revenue of the township, village or city in which the license was issued.

11. A license shall be issued after showing evidence of current rabies vaccination and payment of the applicable fee. Evidence of neutering, spaying or other method of rendering the animal sterile, from a veterinarian, shall be required.

a. For each dog not rendered sterile: ten dollars (\$10.00).

b. For each dog rendered sterile: five dollars (\$5.00).

12. A duplicate license may be obtained upon payment of a two-dollar (\$2.00) replacement fee.

13. No person may use any license for any animal other than the animal for which it was issued.

14. Reimbursement. The collecting official may retain fifty cents (50¢) for each tag issued including each kennel tag issued as compensation for the service, if not a full-time, salaried municipal employee. If the collecting official is a full-time salaried municipal employee, this compensation shall be paid into the treasury of the township, village or city.

(b) Kennel license.

1. Every operator of a kennel, as defined by this ordinance, shall, by April 1st of each year, or upon commencement of operation, pay to the licensing authority, or agent, the established kennel license fee and obtains a license therefore. Kennel operators must have dogs vaccinated for rabies. Kennel operators are not required to license individual animals. No kennel fees are required for any veterinary hospital (or clinic) or animal shelter. Kennel location is subject to applicable zoning and other County regulations.

2. No kennel fees are required for kennels keeping dogs for scientific or educational purposes where the actual scientific or educational testing takes place on-site. This exemption does not apply to a kennel which raises or keeps animals to sell to such a facility.

3. Any Class A federally licensed kennel which was in business prior to this

ordinance being adopted and maintains such federal license in good standing during the licensing year shall be exempt from obtaining a kennel license for that year.

4. An annual license shall be issued upon payment of the applicable fee:

a. For each kennel housing 12 or less dogs, the fee is one hundred dollars (\$100.00) for 12 dogs.

b. For each kennel housing more than 12 dogs, one hundred dollars (\$100.00) for the first 12 dogs plus an additional ten dollars (\$10.00) for each additional dog.

(c) Rabies vaccinations required.

1. The owner of a dog shall have the animal vaccinated by a veterinarian within 30 days after the animal has reached four (4) months of age. An owner who imports an animal into Sauk County that has reached four (4) months of age must have the animal vaccinated by a veterinarian, as evidenced by a current certificate of rabies vaccination from Wisconsin or another state.

2. The owner of an animal shall have the animal re-vaccinated:

a. Within one (1) year after initial vaccination.

b. Before the date that the immunization expires as stated on the certificate.

c. If no date is specified, within one (1) year after the previous vaccination.

27.06 Restraint. (1) All animals shall be kept under restraint and shall not be permitted to run at large.

(2) All owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.

(3) Every female dog in heat shall be confined in a building or secure enclosure in such manner that the female dog cannot come in contact with another animal, except for planned breeding.

(4) Any animal declared "*vicious*" as defined in Section 27.02 of this ordinance shall comply with the following requirements:

(a) While on the owner's property, a vicious animal must be:

1. Securely confined indoors.

2. Kept in a securely enclosed and locked pen or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping.

(b) While off the owner's premises, the vicious animal must be muzzled and restrained by a substantial chain or leash not exceeding four (4) feet in length and under the control of a responsible adult person. The muzzle must be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but must prevent it from biting or injuring any person or animal.

(c) The Animal Control Officer or any law enforcement officer, after conducting an investigation into the circumstances surrounding an unprovoked animal attack, is hereby empowered to declare the animal in question vicious. The owner of the animal declared vicious shall be served personally or by certified mail return receipt, with an order declaring the animal vicious. Any animal owner aggrieved by said order may petition the Sauk County Sheriff's Department for a review of the order in accordance with the procedure set forth herein.

Upon receipt of the petition of the aggrieved owner, the Sauk County Sheriff's Department shall schedule and conduct a hearing. The hearing shall be conducted in conformance with Sauk Co. Code Ch. 33. After the hearing the owner shall be notified in writing of the determination. If the owner contests the determination, he/she may, within 30 days, petition for review of the decision by the Sauk County Circuit Court.

(d) In the event the Animal Control Officer, or any law enforcement officer, has probable cause to believe that an animal has caused serious injury by attacking a person without provocation, the officer may proceed under Wis. Stat. chs. 173 and 174.

27.07 Impound, Quarantine and Violation Notices.

(1) Unrestrained animals and animals running at large shall be taken by the Sauk County Sheriff's Department or Animal Control Officer and impounded in a temporary or permanent animal shelter and confined in a humane manner.

(2) An owner reclaiming an impounded animal shall pay the impoundment fee and expenses to the animal shelter, or any other authorized agent, and comply with provisions of Section 27.05 of this ordinance, prior to the release of the animal. The animal must either be

vaccinated by a veterinarian approved by Sauk County or a prepaid rabies certificate from a veterinarian must be presented at the animal shelter before an impounded animal will be released. Follow-up will be done by the Sauk County Sheriff's Department to insure that the vaccination indeed was administered and the licensing requirements were met. If the owner does not pay fees, expenses, license and reclaim the animal within seven (7) days of being notified of the impoundment, the animal will be put up for adoption without further notification, at the owner's expense. If the animal is adopted, the expenses and fees may be paid for by the new owner.

(3) Any animal not reclaimed by its owner within seven (7) days becomes the property of Sauk County or authorized agent, and may be placed for adoption or humanely euthanized.

(4) If any animal with a current rabies certificate is involved in a bite incident, the owner shall isolate and confine the animal under the supervision of a veterinarian for at least ten (10) days from the date of the incident.

Supervision by a veterinarian includes, at a minimum:

(a) Examination of the animal on the first day by a veterinarian.

(b) Examination of the animal on any day between day two (2) and day nine (9) by a veterinarian.

(c) Examination of the animal on day ten (10) by a veterinarian.

(5) Any animal involved in a bite incident that has not been vaccinated, or has not been re-vaccinated within the prescribed times, must be confined at a place designated by the Sauk County Sheriff's Department and put under the supervision of veterinarian.

Any animal bite or scratch which is treated by a physician or physician's assistant shall be reported to the Sauk County Sheriff's Department within 24 hours of the incident. The incident shall be reported by the animal's owner and/or the victim or the victim's guardian.

(6) Any animal involved in a bite incident whose owner resides outside of Sauk County, shall be impounded at the Sauk County Animal Shelter or, as an option, at the office of a local veterinarian if the space is available. This impoundment will be at the owner's expense and will be mandatory regardless of the status of

current vaccination(s) of the animal. This provision is for public safety and the effective management of animal quarantine as set forth in this ordinance.

(7) Any law enforcement officer, trained individual, health officer or animal control officer with reasonable cause to believe an animal has bitten a person or been in contact with a rabid animal shall issue a quarantine order. A quarantine order may be delivered by personal service, registered mail or by posting a quarantine sign in two (2) conspicuous places on the property.

(8) If 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 animal in a humane manner and in a manner which avoids damage to the animal's head.

An officer may order killed, or may kill, an animal other than a dog or cat if the officer has reason to believe that the animal bit a person and may be infected with rabies. Except as provided in Wis. Stat. § 95.36, if an animal that is raised as livestock as defined under Wis. Stat. § 95.31(3), is killed, the owner is eligible for an indemnity payment in an amount equal to the indemnity provided under Wis. Stat. § 95.31(3).

(9) Failure of the owner to deliver an animal to a veterinarian or place of quarantine, as directed by the Sauk County Sheriff's Department or any authorized law enforcement officer within Sauk County, within 24 hours after notice, shall be sufficient cause for a judge to issue an order authorizing the Animal Control Officer or responsible agency to seize said animal and make such delivery as intended, at the owner's expense. The officer may order the animal to be quarantined on the premises of the owner if the animal is immunized currently against rabies as evidenced by a valid certificate of rabies vaccination or other evidence, pursuant to subsection (4) above.

(10) If an animal is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal, and if the animal is not currently immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 180 days. The owner shall have the animal vaccinated against rabies between 155 and 165 days after the exposure to a rabid animal.

(11) If an animal is ordered to be quarantined because there is reason to believe that the animal has been exposed to a rabid animal but the animal is immunized against rabies, the custodian of an isolation facility or the owner shall keep the animal leashed or confined for 60 days. The owner shall have the animal re-vaccinated against rabies as soon as possible after exposure to a rabid animal.

(12) Any animal owner aggrieved by such order for quarantine may, within 30 days of issuance of the order, petition the Sauk County Sheriff's Department for a hearing. The agency shall conduct a hearing to determine if the quarantine shall remain in effect or be withdrawn. The quarantine remains in effect until after the hearing, unless properly released.

(13) If a veterinarian determines that an animal exhibits symptoms of rabies during the original 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 to have bitten a person, the veterinarian shall notify that person or that person's physician.

(14) An officer who kills an animal shall deliver the carcass to a veterinarian or health officer. The veterinarian or health officer 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 Wisconsin 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 Sauk County Sheriff's Department, the veterinarian or local health department which prepared the carcass and, if the animal is suspected to have bitten a person, that person or that person's physician, of its determination.

(15) Any veterinarian who is requested to be involved in the rabies control program by a law enforcement officer is encouraged to cooperate in a professional capacity with the Sauk County Sheriff's Department, the Wisconsin State

Laboratory of Hygiene, the health officer, the officer involved, and if the animal is suspected to have bitten a person, that person's physician.

(16) The owner of any animal involved in a bite incident is responsible for any expenses incurred by the animal to include, but not limited to, fees for the transportation of, boarding of, supervision by a licensed veterinarian of and, if applicable, the disposal of the animal. If the owner is unknown, the County is responsible for these expenses.

27.08 Animal Care. (1) No person owning, harboring or having custody of an animal shall fail to provide it with good and wholesome food at least once daily and provide a constant supply of potable water to sustain the animal in good health.

(2) No person shall fail to provide any animal that he/she owns, harbors or has custody of with shelter from inclement weather or to ensure the protection and comfort of the animal. In the case of dogs and cats which are kept outdoors or in an unheated enclosure, shelter and bedding shall be provided as set forth in this section as a minimum.

(a) Outdoor standards. When sunlight is likely to cause overheating or stress to any animal, shade shall be provided by natural or artificial means to allow protection from the direct rays of the sun. Dogs and cats kept outdoors shall be provided with moisture resistant and wind resistant shelter of a size which allows the dog or cat to turn around freely and to easily sit, stand and lie in a normal position and to keep the dog or cat clean, dry and comfortable. Whenever the outdoor temperature falls below 40 degrees Fahrenheit, clean bedding material shall be provided in such shelters for insulation and to retain body heat of the dog or cat. Feces shall be removed as specified in Section 27.09 below.

(b) Indoor standards. All animals confined to a cage, kennel run or secure enclosure of any kind, shall be provided with quarters in a clean condition and in good state of repair. Each animal shall have sufficient space to turn around freely and to easily sit, stand and lie in a normal position. The temperature and ventilation of the quarters shall be compatible with the health of the animal. There shall be sufficient clean, dry bedding to meet the needs of each individual animal and

feces shall be removed as specified in Section 27.09 below.

(c) In the case of livestock, nothing in this section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices.

(3) Chains, ropes or leashes shall be so placed or attached that they cannot become entangled with another animal or object, and shall be of sufficient length to allow the animal proper exercise and convenient access to food, water and shelter. Such chains, ropes or leashes shall be located so as not to allow such animal to trespass on public or private property belonging to others or in such a manner as to cause harm or danger to persons or other animals.

(4) No person shall fail to provide any animal that he/she owns, harbors or has custody of with veterinary care when needed to prevent suffering.

(5) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal, or use any device or chemical substance whereby pain, suffering or death may be caused, whether belonging to him or her or another, except that reasonable force may be used to drive off vicious or trespassing animals. This provision does not prohibit training techniques or husbandry practices which are acceptable under Wisconsin law.

(6) No person shall abandon any animal he/she owns, harbors or of which he/she has custody.

(7) No person shall transport any animal in their possession in a manner which could cause injury, pain, undue stress or death to the animal.

(8) No person shall give away any live animal, fish, reptile or bird as a prize for or as an inducement to enter any contest, game or other competition, or as an inducement to enter a place of amusement or offer such vertebrate as a incentive to enter into any business agreement whereby the offer was for the purpose of attracting trade.

(9) No person shall cause, instigate or permit any dogfight, cockfight or other combat between animals or between animals and humans.

(10) Chickens or ducklings or other fowl, younger than eight (8) weeks of age may not be given away, bartered or sold in quantities of less

than six (6) to a single purchase with the exception that ratites may be sold in any quantity and at any age.

(11) No person shall expose any poisonous substances, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose, on his property, poisons designed for the purpose of rodent or pest elimination. This provision shall not prohibit Health Department personnel or licensed pest-control operators from providing rodent or pest-control services.

(12) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and shall attempt to report such injury or death to the animal's owner or the Sauk County Sheriff's Department.

27.09 Animal Waste. (1) The owner or person having immediate control of an animal shall immediately remove and dispose of, in a sanitary manner, any excreta left or deposited by the animal, upon public or non-animal owner private property. This section shall not be applicable to cases where a person is physically unable or is legally blind and is being assisted by a certified companion dog.

(2) All pens, yards, structures or areas where animals are kept shall be maintained in a nuisance free manner. Droppings and manure shall be removed regularly and disposed of properly so not to attract insects or rodents, become unsightly or cause objectionable odors.

27.10 Keeping of Certain Restricted Animals. (1) Pursuant to the authority contained in Wis. Stat. § 169.43, no person within the unincorporated areas of Sauk County shall own, keep, maintain, harbor, or have in his or her possession, or under his or her control, any harmful wild animal, animal with vicious or dangerous propensities such as large, wild animals, poisonous or venomous reptiles, insects, snakes, crocodilians, spiders, and including, but not limited to, any of the following animals and creatures except as otherwise provided herein:

(a) Poisonous or venomous animals and reptiles, including snakes, that is capable of causing serious injury to humans or other animals;

(b) Apes: Chimpanzees (Pan); Gibbons (Hylobates); Gorillas (Gorilla); Orangutans (Pongo); and Siamangs (Symphalangus);

(c) Baboons (Papoi, Mandrillus);

(d) Bears (Ursidae);

(e) Cheetahs (Acinonyx jubatus);

(f) Crocodilians (Crocodilia);

(g) Constrictor snakes three feet or more in length, except a ball python snake up to four feet in length shall be allowed or a boa constrictor snake up to eight feet in length shall be allowed; snakes not indigenous to Wisconsin, and any other snake exceeding three feet in length;

(h) Coyotes (Canis latrans);

(i) Elephants (Elephas and Loxodonta);

(j) Game cocks and other fighting birds;

(k) Hippopotami (Hippopotamidae);

(l) Hyenas (Hyaenidae);

(m) Jaguars (Panthera onca);

(n) Leopards (Panthera pardus);

(o) Lions (Panthera leo);

(p) Lynxes (Lynx);

(q) Monkeys, old world (Ceropithecidae);

(r) Piranha fish (Characidae) exceeding 6 inches in length;

(s) Pumas (Felis concolor); also known as cougars, mountain lions, and panthers;

(t) Rhinoceroses (Rhinocero tidae);

(u) Sharks (class Chondrichthyes) exceeding 6 inches in length;

(v) Snow leopards (Panthera unicia);

(w) Tigers (Panthera tigris);

(x) Wolves (Canis lupus);

(y) Wolf-dog hybrids;

(z) Poisonous or venomous biting insects;

(aa) Poisonous tarantula and poisonous or venomous biting spiders.

(2) Animals listed in subsection (1) may be kept if the person keeping such animal or animals obtains a permit from the Sauk County Department of Public Health as provided herein.

(a) Applicants for a permit to possess a restricted animal shall meet the following minimum qualifications. If the applicant is a corporation, partnership or other legal entity, the applicant must designate an individual who

represents the organization and meets the following minimum qualifications:

1. The applicant or designee must be at least eighteen (18) years of age.

2. The applicant or designee must have at least two (2) years of verifiable experience in the care and handling of animals from the same animal family for which the applicant is applying.

3. The applicant or designee shall not have been convicted of any violation of any state or federal wildlife regulations within three (3) years of the date of application, or any offense involving cruelty to animals.

(b) With regard to any permit granted pursuant to this Chapter, the minimum requirements contained in 7 U.S.C. ch. 54; 9 C.F.R. ch. 1, sub. ch. A; Wis. Stat. ch. 169, Wis. Admin. Code ch. NR 16 and any other applicable standards prescribed by the United States Government or the State of Wisconsin shall apply. No permit shall be issued without evidence of compliance with all Federal and State laws and regulations.

(3) For each permit, permit amendment, or permit renewal, the applicant shall submit to the Department of Public Health the following:

(a) The applicant's name, complete street address, and telephone number. If the applicant is a corporation, partnership, or other legal entity, the individual designated to represent the organization must also provide this information. The applicant, or designee must notify Public Health in writing of any change of address or name fourteen (14) days prior to the change.

(b) Location where the restricted animal(s) will be housed, and a statement that the keeping of these animals is permitted by applicable zoning ordinances and other local ordinances or regulations.

(c) Facilities for holding permitted restricted animal(s) must be located on the premises on which the permittee resides, or shall have a full-time caretaker to supervise the care and security of the facilities. Facilities for maintaining these animals must comply with the standards provided in Wis. Stat. ch. 169 and any administrative code provisions adopted by the State of Wisconsin.

(d) Current animal inventory, including the common and scientific name, sex, age and source of each animal, any permanent identification on the animal, and identification of

animals that have injured and/or killed a human being. The permittee must notify Public Health within twenty-four hours of the addition or death of a restricted animal listed on the inventory.

(e) A copy of current permits issued by the United States Government or the State of Wisconsin, and any other local permits if applicable, approving the possession of species listed on the animal inventory.

(f) A signed statement by a veterinarian accredited by the United States Department of Agriculture (“USDA”) that he/she is the veterinarian of record and which includes the veterinarian’s printed name, address, phone number, and license number. The veterinarian shall certify that he/she has observed each of the applicant’s animals at least once during the prior year and that they have been appropriately immunized, housed, and cared for.

(g) A plan for the quick and safe recapture of the animal(s), or if recapture is impossible, for the destruction of any animal held under the permit.

(h) A plan for the emergency evacuation of the facility holding the restricted animals, to be updated within 30 days of any structural changes to the facility.

(i) A letter of recommendation on letterhead stationery by the owner of a facility in good standing where the applicant gained his/her experience. The letter must include the printed name and address of the owner and detailed information regarding the applicant’s knowledge and experience related to the species listed on the permit application.

(4) Applicants desiring to breed restricted animals shall include with their application a written plan detailing the reason for breeding, why the progeny are necessary, and the proposed lawful disposition of any offspring. Approval for breeding may be granted only if the breeding will not result in unneeded or uncared for restricted animals. Unintended breeding may be the basis for denial and/or revocation of a permit. Persons or facilities accredited by the American Association of Zoos and Aquariums (AZA), the Species Survival Program (SSP), or in possession of a valid USDA permit are exempt from this subsection. Animals housed at a rehabilitation/sanctuary facility shall not be allowed to breed or produce offspring.

(5) The permit application and renewal fee shall be established by the Sauk County Board of Health subject to approval by the County Board.

(6) Permits issued by the Department of Public Health under the provisions of this section shall be valid for a term of one (1) year from the date of issue unless the permit has been revoked for violations of this chapter.

(7) Any false statements made by an applicant on an initial permit application, amendment or renewal will constitute cause to deny an application or revoke any permit issued under this section, and subject applicant to the penalties provided by law. Department of Public Health reserves the right to deny any applicant if granting such a permit would present a substantial threat to public health or safety, or constitute cruelty to any animal.

(8) Before any permit is issued or renewed under this section, an inspection shall be conducted of all facilities intended for holding these animals and of all records pertaining to the animals by the Department of Public Health for the purpose of ensuring compliance with the regulations of this chapter and to ensure that the possession of the animal does not pose a risk to public health or a substantial threat to public safety. In determining whether to grant or deny any permit under this Chapter, the Department of Public Health shall consider all relevant factors including the health, safety and welfare of the public, the potential injury, expense or inconvenience to members of the public, the possible cost to local units of government, the possible impact of introducing nonnative species within close proximity to indigenous wild animals or commercial livestock herds, and the health, safety and welfare of the captive animal species. If the Department of Public Health finds that the applicant cannot comply with the provisions of this Chapter, or any applicable provisions of state or federal law or local ordinance, the Department of Public Health shall deny the application.

(9) An applicant who legally possessed a restricted animal within the unincorporated area of Sauk County prior to the adoption of this section, and who provides proof of any and all required approvals from federal, state and/or local agencies to maintain the animal(s),

shall have until April 1, 2005, to meet all of the conditions required above for a new permit.

(10) Any restricted animal owned, possessed, harbored, kept, or maintained in violation of this section may be impounded and destroyed by the County, or its agents, at the expense of the violator.

(a) Any law enforcement, humane or public health officer shall have the authority to enforce the provisions of this section, including, but not limited to, seizing any animal or creature that the officer reasonably believes is being possessed, harbored, owned, kept, or maintained in violation of this section.

(b) Any such animal or creature seized pursuant to this section shall be held in a facility designated by the Department of Public Health until the animal or creature is identified as to genus and species to ascertain if the animal or creature is an endangered species identified as such in the Wisconsin Statutes. At any time after such identification, the County may destroy the animal or creature as provided herein.

(c) Any person aggrieved by the decision may appeal the decision pursuant to the provisions contained in Chapter 33, Sauk Co. Code. The animal shall be impounded, but not destroyed, until the appeal time has expired and until any timely filed appeal has been heard. The County may require the appealing party to post a bond in an amount sufficient to satisfy the cost of holding and identifying the animal. If it is determined that the animal or creature has been owned, possessed, harbored, kept, or maintained in violation of this section, the costs incurred by the County for impounding, holding, and identifying the animal shall be paid by the violator. Anyone found to be in violation of this section shall, in addition to the penalties provided in Sauk Co. Code § 25.04, forfeit the prohibited animal to the Department of Public Health for destruction or disposition as deemed proper. Prior to such forfeiture, the County may direct a transfer of the animal to a qualified zoological, educational, or scientific institution or qualified private propagator for safe keeping, with the cost thereof being assessed and paid by the violator.

(11) This section shall not apply where the creatures are in the care, custody, or control of: a veterinarian for treatment; agricultural fairs; shows or projects of the 4-H Clubs; a display for

judging purposes; an itinerant or transient carnival, circus or other show; dog or cat shows or trials; public or private educational or medical institutions; Department of Natural Resources Licensed Animal Rehabilitation Facility; licensed pet shops; or property owned by the Circus World Museum; provided that:

(a) The location conforms to the provisions of the zoning ordinance of the County or town in which the property is located;

(b) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors;

(c) Animals are maintained in quarters so constructed as to prevent their escape.

27.11 Abatement Orders. (1) The Sauk County Public Health Director or his or her designee is hereby designated and authorized, pursuant to Wis. Stat. § 173.03, to affirm, modify, or withdraw abatement orders issued under Wis. Stat. § 173.11 by any humane officer or law enforcement officer.

(2) Any person who is issued an Abatement Order has the right to appeal the Order within ten days of the issuance of the Order. The request must be delivered to the Sauk County Public Health Office, Room 372, 505 Broadway, Baraboo, WI 53913.

(3) Any hearing under this section shall be held within 10 days of such request. The conducting official shall affirm the Order, modify and affirm the Order, or withdraw the Order. Any person adversely affected by a decision of the conducting official may seek judicial review of the Abatement Order by commencing an action within 30 days after date of the decision.

27.12 Enforcement. (1) The civil and criminal provisions of this ordinance shall be enforced by employees of the Sauk County Sheriff's Department, the Sauk County Department of Public Health, and/or other persons authorized by the Sauk County Sheriff's Department or the Sauk County Board of Supervisors. This ordinance may be enforced by citation, injunction or civil forfeiture.

(2) The Sauk County Sheriff's Department personnel are authorized to catch and impound animals at large with such authorization to include the pursuit of animals upon non-animal

owner private property. It shall be a violation of this ordinance to interfere with the Animal Control Officer, law enforcement officer, public health officer or designee, trained individual or Sauk County Sheriff's Department employee in the performance of their duties.

27.13 Penalties. Any person violating any provisions of this ordinance shall be punished by forfeiture. If any violation be continuing, each day's violation shall be deemed a separate violation. The cash deposit shall be the amount of forfeiture, plus any fee or assessment imposed by State Statutes and as provided by Chapter 20 of the Sauk County Code of Ordinances.

(1) First violation in one (1) year: forfeiture will be twenty-five dollars (\$25.00).

(2) Second violation in one (1) year: forfeiture will be fifty dollars (\$50.00).

(3) Third violation within two (2) years: forfeiture will be seventy-five dollars (\$75.00).

(4) Fourth violation within three (3) years and subsequent violations: forfeiture will be one hundred dollars (\$100.00).

(5) Notwithstanding the above provisions, violations of Sauk Co. Code § 27.10 shall be punished by a forfeiture of not less than fifty (\$50.00) nor more than two-hundred and fifty dollars (\$250.00). If the violation is continuing, each day's violation shall be deemed a separate violation.

Repealed and recreated by the Sauk County Board of Supervisors on August 19, 1997. Amended by the Sauk County Board of Supervisors on June 19, 2001 - Ordinance No. 48-01. Amended by the Sauk County Board of Supervisors on December 21, 2004 - Ordinance No. 190-04. Amended by the Sauk County Board of Supervisors on October 19, 2010 - Ordinance No. 119-10.