

TITLE IX: GENERAL REGULATIONS

Chapter

90. ANIMALS



## CHAPTER 90: ANIMALS

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**Mineral Point - General Regulations***DOGS***§ 90.01 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

*AT LARGE.* A dog which is off the premises of the owner, but not under the control of some person either by leash or otherwise; but an animal within an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

*HABITUAL BARKING* and/or *HOWLING.* Barking or howling for repeated intervals of at least 5 minutes with less than 1 minute of interruption. The barking or howling must also be audible off of the owner's or caretaker's premises.

*KENNEL.* Any establishment wherein dogs are kept for the purpose of breeding, sale or sporting purposes.

*OWNER.* Any person owning, harboring or keeping a dog and occupant of any premises on which the 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.  
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

**§ 90.02 DOG LICENSE REQUIRED.**

It shall be unlawful for any person in the city to own, harbor or keep any dog more than 5 months of age without complying with the provisions of this section and Wis. Stats. §§ 174.05 through 174.10, regulating the listing, licensing and tagging of the same.  
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

**§ 90.03 LICENSE FEES.**

The license fee for a dog shall be as follows:

- (A) Unneutered male dog: \$10;
- (B) Unspayed female dog: \$10;
- (C) Neutered male dog: \$5;
- (D) Spayed female dog: \$5; and

(E) Duplicate license: \$4.  
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

#### **§ 90.04 ISSUANCE OF LICENSE.**

Upon payment to the City Clerk-Treasurer of the fee named in § 90.03, the City Clerk-Treasurer shall issue to that person a license to keep that dog for 1 year, which year to be a calendar year with no prorations for licenses purchased after April 1, and the person shall, upon procuring the license, place upon the dog a collar with the tag furnished to him or her by the City Clerk-Treasurer or the County Clerk. Persons have between January 1 and March 31 of each year to purchase a license.  
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

#### **§ 90.05 LATE FEES; PENALTY.**

The City Clerk-Treasurer shall assess and collect a late fee of an additional \$5 from every owner of a dog 5 months of age or older if the owner fails to obtain a license prior to April 1 of each year or within 30 days of acquiring ownership of a licensable dog, or if the owner fails to obtain a license before the dog reaches licensable age. Additionally, there shall be a penalty of \$35 plus court costs for each dog over the age of 5 months that is not licensed.  
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

#### **§ 90.06 KENNEL LICENSE OPTION.**

The owners of kennels may opt to pay a kennel license fee of \$35 for a kennel of 12 dogs or less plus \$4 for each dog in excess of 12 dogs in lieu of the fees provided in § 90.03, and the City Clerk-

residential district.

(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

#### **§ 90.07 STATE REGULATIONS.**

Wis. Stats. Ch. 174 shall apply so far as is applicable.  
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

#### **§ 90.08 RABIES VACCINATION REQUIRED.**

(A) *Requirements.* It shall be unlawful for any person to keep a dog in the city which is over 5 months of age and has not received a rabies vaccination as required by Wis. Stats. § 95.21(2). No dog

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license shall be issued until a certificate of rabies vaccination issued by a veterinarian has been presented. A rabies vaccination tag shall be attached to the collar of all licensed dogs at all times, except as provided in Wis. Stats. § 95.21(2)(f).

(B) *Failure to obtain rabies vaccination.* A dog owner who fails to have a dog vaccinated against rabies, as provided in this section, shall be subject to the provisions of § 90.99. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

### § 90.09 RESTRICTIONS ON KEEPING OF DOGS.

It shall be unlawful for any person within the city to own, harbor or keep any dog which:

- (A) Habitually pursues vehicles upon any street, alley or highway;
- (B) Molests passers-by or assaults or attacks any person without provocation;
- (C) Is at large within the limits of the city;

(D) Habitually barks or howls to the annoyance of any person or persons. This division shall not apply to hospitals conducted for the treatment of small animals or to the premises occupied or used by the city pound;

(E) Kills, wounds or worries any domestic animal; or

(F) Urinates or defecates on public property or other private property. In the event the animal defecates on another's land or any private right-of-way, the owner shall immediately remove the feces in a sanitary manner.

(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

### § 90.10 DOGS RUNNING AT LARGE; UNTAGGED DOGS.

(A) *Dogs running at large.* A dog is considered to be running at large if it is off the premises of its owner and not under the control of the owner or some other person, as defined in § 90.01.

(B) *Untagged dogs.* A dog is considered to be untagged if a valid license tag is not attached to a collar which is kept on the dog whenever the dog is outdoors, unless the dog is securely confined in a fenced area.

(C) *Dogs subject to impoundment.* Police officers shall attempt to capture and restrain any dog running at large and any untagged dog.

(D) *Penalties.* If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits the dog to be untagged, the owner shall be subject to the provisions of § 90.99. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

#### **§ 90.11 DUTY TO REPORT ANIMAL BITE.**

Every person, including the owner or person harboring or keeping a dog, cat or other animal, who knows that such animal has bitten any person, shall immediately report that fact to the Police Department. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

#### **§ 90.12 QUARANTINE OR SACRIFICE OF ANIMALS SUSPECTED OF BITING A PERSON OR BEING INFECTED WITH RABIES.**

(A) *Quarantine or sacrifice of animal.* The Health Officer or police officer may order a dog, cat or other animal quarantined if he or she has reason to believe that the animal bit a person, is infected with rabies or has been in contact with a rabid animal. If a quarantine cannot be imposed because the animal cannot be captured, the officer may kill the animal. The officer may kill the animal only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in the manner which avoids damage to the animal's head.

(B) *Quarantine order.* If a quarantine is ordered, the owner of the dog or cat shall be subject to the provisions of Wis. Stats. § 95.21(5), (6) and (8).

(C) *Refusal to comply with quarantine orders.* An owner of a dog, cat or other animal who refuses to comply with an order issued under this section to deliver the animal to a police officer, the pound designated by the Council, or veterinarian, or who does not comply with the convictions of an order that the animal be quarantined, shall be subject to the provisions of § 90.99. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

#### **§ 90.13 SETTING ANIMALS AT LARGE PROHIBITED.**

No person shall open any door or gate of any private premises for the purpose of setting any dog, cat or other animal at large, except the owner of the animal. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

#### **§ 90.14 IMPOUNDING AND DISPOSITION OF DOGS.**

(A) *Impounding of dogs.* A police officer or other person restraining a dog running at large shall take the animal to the city pound. The police officer shall attempt to identify and notify the owner and shall keep a public record of all such dogs impounded.

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(B) *Release of dog to owner or representative.* The police officer may release the dog to the owner or his or her representative if:

- (1) The owner or representative gives his or her name and address;
- (2) The dog is licensed and vaccinated against rabies;
- (3) The owner or representative pays the dog's pickup fee in the amount of \$20. This fee is payable to the City Clerk-Treasurer; and
- (4) Pays the boarding fee set by the city pound.

(C) *Release of dog to person other than owner.* If the owner of the dog is unknown or does not reclaim the dog within 7 days, the police officer may release the dog to a person other than the owner if that person:

- (1) Gives his or her name and address;
  - (2) Signs a statement agreeing to license the dog and have the dog vaccinated against rabies;
- and
- (3) Pays the boarding fee set by the city pound.

(D) *Disposition of unclaimed dog.* The keeper of the pound shall keep all dogs apprehended for 10 days (unless sooner claimed by the owner or person other than the owner), and if any such dog is not reclaimed by the rightful owner within that time, the dog may be sold for the amount incurred in apprehending, keeping and care of the dog, or it may be destroyed in a proper and humane manner. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

**§ 90.15 NUMBER OF DOGS PER HOUSEHOLD LIMITED.**

(A) No person except a kennel licensee shall own, harbor or keep more than 3 dogs that are more than 5 months of age, except in a place or places where animals are impounded or restrained, as specified in this section. If a total of more than 3 dogs are owned, harbored or kept in or by any 1 household, the head of the household shall be deemed the person so owning, harboring or keeping the animals, notwithstanding that the dog license or licenses may be issued to other members of the household as owners of the dogs.

(B) Any person allowing more than 3 dogs per household shall be subject to the provisions of § 90.99. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99



**§ 90.16 DOGS TO BE KEPT UNDER HUMANE CONDITIONS.**

(A) All persons owning, harboring or keeping dogs either on their premises, or in their possession and control, are to keep the dogs in a humane, sanitary condition. Dog pens are to be kept free of feces, or other unsanitary materials.

(B) Any person treating a dog in an inhumane manner shall pay a forfeiture as set forth in § 90.99 for each day in which the dog continues to be treated in an inhumane manner.  
(1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997) Penalty, see § 90.99

***KEEPING OF VICIOUS DOGS REGULATED*****§ 90.30 DEFINITIONS.**

For the purpose of this subchapter, the following definition shall apply unless the context clearly indicates or requires a different meaning.

***VICIOUS DOG.***

(1) Any dog with a propensity, tendency or disposition to attack, cause injury to or otherwise endanger the safety of human beings or other domestic animals as evidenced by its habitual or repeated chasing or snapping, or barking at or snarling in a threatening manner.

(2) Any dog which attacks a human being or another domestic animal without provocation.

(3) Any dog owned or harbored primarily in part for the purpose of dog fighting, or any dog training for dog fighting.

(4) Any pit bull type dog, including but not limited to the American Pit **Bull** Terrier, Staffordshire **Bull** Terrier, the American Staffordshire Terrier, the American Bulldog, and any mixed breed containing 1 or more pit bull type breeds.

(Ord. 575, passed 7-1-1997; Am. Ord. 696, passed 8-1-2006)

**§ 90.31 REQUIREMENTS AND PROHIBITIONS.**

(A) *Leash and muzzle.* No person owning, harboring or having the care of a vicious dog may suffer or permit the dog to go outside its kennel or pen unless the dog is securely leashed with a leash no longer than 4 feet in length. No person may permit a vicious dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless the person is in physical control of the leash. The dog may not be leashed to an inanimate object, such as trees, posts and buildings. A vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or

other animals. A vicious dog shall not be required to be muzzled when shown either in a sanctioned American Kermel Club show or upon prior approval of the Police Chief.

*(B) Confinement.* All vicious dogs shall be confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as provided in division (A) above. The pen, kennel or structure shall have secure sides and a secure top attached to all sides. A structure used to confine a vicious dog shall be locked with a key or combination lock when the dog is within the structure. The structure shall have a secure bottom or floor attached to the sides of the pen, or the sides of the pen must be imbedded in the ground no less than 2 feet. All structures erected to house vicious dogs shall comply with all zoning and building regulations of the city. All structures shall be adequately lighted and ventilated and kept in a clean and sanitary condition.

*(C) Confinement indoors.* No vicious dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit the building on its own volition. No vicious dog may be kept in a house or structure when the windows are open or when the screen doors or screen windows are the only obstacle preventing the dog from exiting the structure.

*(D) Prohibited and multiple dwellings.* No vicious dog may be kept in any portion of any multiple dwelling.

*(E) Signs.* All owners, keepers or harborers of vicious dogs shall, within 15 days of the effective date of this section, display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". A similar sign is required to be posted on the kennel or pen of the dog.

*(F) Insurance.* All owners, keepers or harborers of vicious dogs shall, within 30 days of the effective date of this section, provide proof to the Police Chief of public liability insurance in a single incident amount of \$50,000 for bodily injury or death of any person or for the damage to property owned by any person which may result from the ownership, keeping or maintenance of vicious dogs. The insurance policy shall provide that no cancellation of the policy will be made unless a 10-day written notice is first given to the Police Chief. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This division does not apply to dogs kept by law enforcement agencies.

(Ord. 575, passed 7-1-1997) Penalty, see § 90.99

### **§ 90.32 VICIOUS DOG DETERMINATION.**

The Police Chief shall investigate every dog complaint and make a determination as to whether or not such dog is "vicious" as defined in § 90.30 above. In the event the Police Chief makes a determination that a dog is vicious, he or she shall so inform the owner, keeper or harborer of the dog and provide that person with a copy of this section.

(Ord. 575, passed 7-1-1997)

**§ 90.33 COMPLIANCE.**

Within 10 days of the determination that a dog is vicious, as provided in § 90.32 above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of the dog. (Ord. 575, passed 7-1-1997) Penalty, see § 90.99

**§ 90.34 DISPOSITION OF VICIOUS DOGS.**

Any vicious dog which attacks a human being or a domestic animal may be ordered destroyed by a police officer or humane officer when, in the judgment of a court of competent jurisdiction, the dog represents a continuing threat of serious harm to human beings or domestic animals. (Ord. 575, passed 7-1-1997)

**§ 90.99 PENALTY.**

(A) Any person who violates any provision of this chapter for which no penalty is provided shall be subject to the terms of § 10.99.

(B) A dog owner who fails to have a dog vaccinated against rabies, as provided in § 90.08, shall, upon conviction, forfeit not less than \$50 nor more than \$100.

(C) If any person violates any provision of § 90.09, that person shall forfeit \$35 plus court costs for each offense.

(D) If the owner of a dog, negligently or otherwise, permits the dog to run at large, or permits the dog to be untagged in violation of § 90.10, the owner shall forfeit \$35 plus court costs for each offense.

(C) An owner of a dog, cat or other animal who refuses to comply with an order issued under § 90.12 or who does not comply with the convictions of an order that the animal be quarantined shall, upon conviction, forfeit not less than \$100, nor more than \$500.

(D) Any person who violates the provisions of § 90.15 by allowing more than 3 dogs per household shall be penalized an amount of \$10 per day, until the household comes into compliance.

(E) Any person treating a dog in an inhumane manner, as set forth in § 90.16, shall pay a forfeiture of \$10 per day for each day in which the dog continues to be treated in an inhumane manner. (1989 Code, § 12.04) (Am. Ord. 575, passed 7-1-1997)

(F) Any person who violates any provision of §§ 90.30 through 90.34 shall, upon conviction, be subject to the payment of a forfeiture in the amount of \$50 for a first offense and \$100 for a second offense. Offenses thereafter shall be subject to penalties of \$100. (Ord. 575, passed 7-1-1997)

