

**VILLAGE OF NEW GLARUS
ORDINANCE 11-01**

**AN ORDINANCE TO DELETE SECTION 101-3 (B) MULTIPLE PET PERMITS AND
RENUMBER AND AMEND REMAINDER OF SECTION 101-3 AND REPEAL AND
RECREATE SECTION 106-6 (B)(1) VICIOUS ANIMALS AND AMEND SECTION 101-19
LIMITATION OF NUMBER OF DOGS
OF THE MUNICIPAL CODE OF THE VILLAGE OF NEW GLARUS**

THE VILLAGE BOARD of the VILLAGE OF NEW GLARUS, GREEN COUNTY, WISCONSIN,
does hereby ordain as follows:

DELETE Section 101-3 (B)

RENUMBER and AMEND of Section 101-3 (C) (1-3) to 101-3 (B) (1-4).
101-3 (B) Kennel license.

[Added 1-17-2006 by Ord. No. 05-09]

(1) The term "kennel" means a commercial establishment wherein or whereon three or more dogs are kept for the purpose of breeding and selling.

(2) Kennels may only be located in commercial zoned areas following a public hearing and approval by the Village Board utilizing the conditional use procedures prescribed in the Municipal Code for the Village. The Village Board may attach conditions to such approval as a conditional use under the Village's Zoning Code.

(3) Conditional use permits issued for the purpose of operating a kennel shall be renewed every two years, using the same process as required for the initial conditional use. The fee for the two-year conditional use for operation of a kennel shall be \$150.

(4) A condition of the kennel license shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant and the application for a permit hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any permit issued hereunder and shall be deemed a violation of this section. Should any permitted premises be found to constitute a public nuisance, i.e., barking dogs and/or dogs running at large, the permit shall be revoked and the nuisance abated pursuant to Village ordinances.

And REPEAL AND RECREATE Section 101-6 (B)(1) Vicious Animals

(1) Definitions: Vicious Dog

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

(b) Any dog or dog-hybrid which has attacked a human being or another animal without provocation.

(c) Any dog or dog-hybrid owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(2) Determination. The Police Department shall investigate every dog complaint and make a determination as to whether or not a dog is "vicious, as defined in sub (1) above. In the event the department makes a determination that a dog is "vicious" they shall inform the owner or keeper of such dog and provide such person with a copy of this section.

(3) Appeal. Any person aggrieved by the determination of the police department may appeal such determination to the Village Public Safety Committee. Notice of intent to appeal shall be filed within 10 days of the notice of determination. Failure to file such notice shall act as an acceptance of said determination.

(4) Compliance. Within 10 days of the determination that a dog is, as provided in sub (2) above, or 10 days after an unsuccessful appeal under sub (3) above, the owner of a vicious dog shall either comply with all provisions of this section or dispose of such dog or remove it from the Village.

(5) Disposition of Vicious Dogs. Any vicious dog which attacks a human being or domestic animal may be ordered destroyed by a peace officer or humane officer upon an order issued by a court pursuant to Sec. 174.02(3) Wis. Stats..

(6) Requirements and Prohibitions

- (a) Leash and Muzzle. No person owning, harboring or harboring or having the care of a vicious dog may suffer or permit such 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 a person is in physical control of the leash. The dog may not be leashed to inanimate objects 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.
- (b) Confinement. All vicious dogs shall be securely confined indoors or in a securely enclosed and locked pen kennel, except when leashed and muzzled as provided in paragraph (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 embedded 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 Village. 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 volition. No vicious dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dogs from exiting the structure.
- (d) Prohibited in Multiple Dwellings. No vicious dog may be kept within any portion of any multiple dwelling.
- (e) Prohibit the keeping of any dog or dog-hybrid owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.
- (f) Signs. All owners or keepers of vicious dogs shall display in a prominent place of their premises a sign easily readable by the public with letters not less than 2 inches in height stating "Danger – Vicious Dog." A similar sign is required to be posted on the kennel or pen of the dog.

(g) Insurance. All owners or keepers of vicious dogs or hybrid dogs shall provide proof to the Village Administrator of public liability insurance in a single incident amount of \$50,000 for bodily injury to 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 or hybrid 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 Village Administrator. The owner or custodian of the dog shall produce evidence of the required insurance upon request of a law enforcement officer. This paragraph does not apply to dogs kept by law enforcement agencies.

(7) Penalty. Any person who violates any provision of this section shall, upon conviction, be subject to payment of forfeiture, as provided in Chapter 21 of this Code. A separate offense shall be deemed committed on each day on which a violation of this section occurs or continues.

And AMEND Section 101-19 Limitation on Number of Dogs

C. Limitations.

(1) No person or family shall own, harbor or keep in its possession more than three dogs on any residential lot without the prior approval of the Village Board, except that a litter of pups or a portion of a litter may be kept for not more than 12 weeks from birth. If more than one family resides on a residential lot, then only a total of three dogs shall be allowed on the residential lot unless prior approval is obtained from the Village Board.

(2) The above requirement may be waived with the approval of the Village Board when a kennel license has been issued by the Village pursuant to Section 101-(B). Such application for waiver shall first be made to the Village Clerk-Treasurer.

(3) Any person or family, which has a valid multiple pet permit or conditional use approval for more than 3 dogs at the time of adoption of Ordinance 11-01 can maintain the number of dogs approved on the permit, so long as they remain in compliance with the terms and conditions of said permit, until they come into compliance the limit established in this section. No new dogs may be obtained. Said permit shall be renewed every two years as necessary. The fee for said permit shall be \$50 and shall be paid with the submittal of each renewal.

A condition of renewal of the multiple pet permit shall be that the licensed premises may be entered and inspected at any reasonable hour by appropriate Village officials without any warrant and the application for a permit hereunder shall be deemed a consent to this provision. Any refusal to permit such inspection shall automatically operate as a revocation of any permit issued hereunder and shall be deemed a violation of this section. Should any permitted premises be found to constitute a public nuisance, i.e., barking dogs and/or dogs running at large, the permit shall be revoked and the nuisance abated pursuant to Village ordinances.

Presented: Roger Truttman

Public Hearing: 4/19/11

PRESENTED: 1/12/11

ADOPTED: 4/19/11

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Jim Salter, Village President

Lynne R. Erb, Village Clerk