

VILLAGE OF CAMBRIDGE ORDINANCE NO. 2015-02

AN ORDINANCE REPEALING AND RECREATING SECTIONS OF 6.04 RELATING TO DOGS AND OTHER ANIMALS OF THE VILLAGE OF CAMBRIDGE ORDINANCES

The Village Board of the Village of Cambridge, Dane and Jefferson Counties, does hereby ordain as follows:

SECTION 6.04.010 is hereby Repealed and Recreated to read as follows:

6.04.010 - Definitions.

In this chapter, unless the context or subject matter otherwise require:

"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 either by leash or otherwise, 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 the dog or cat, shall be deemed 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.

"Dangerous Animal" means any animal that has attacked, bitten or injured a person or another animal at least one time or one that has habitually chased, approached or confronted other animals or people in a menacing fashion that would put a reasonable person in fear of being attacked, or if the animal has been trained for fighting or attack.

"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 that meaning as appears in Section 967.02(5), Wis. Stats., and includes a humane officer under Section 58.07, Wis. Stats., but does not include a conservation warden appointed pursuant to Section 173.03, Wis. Stats.

"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 (10) days; such person is presumed to be harboring or keeping the dog or cat within the meaning of this chapter.

"Pet" means an animal kept and treated as a pet.

"Residential lot" means a parcel zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted and under common ownership. For the purpose of this chapter, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one lot.

"Restrain" means and includes notifying the dog or cat's owner or an officer and requesting either the owner or officer to capture and restrain the dog or cat, or capturing and restraining the dog or cat, and killing the dog or cat if the circumstances require immediate action.

"Untagged" means not having a valid license tag attached to a collar kept on the dog or cat whenever the dog or cat is outdoors unless the dog or cat is securely confined in a fenced area.

"Vicious Animal" means one that has attacked, bitten, injured a person or another animal more than once or has killed a person or another animal.

SECTION 6.04.070 is hereby Repealed and Recreated to read as follows:

6.04.070 - Restrictions on keeping of dogs, cats, fowl and other animals.

- A. Restrictions. It is unlawful for any person within the village to own, harbor or keep any dog or cat which:
1. Habitually pursues any vehicle upon any public street, alley 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 to the annoyance of any person or persons. (See Section [6.04.130](#) of this chapter);
 5. Kills, wounds or worries 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. In the case of a dog or cat, is unlicensed.
 8. A dog or cat that is deemed dangerous
 9. A dog or cat that is deemed vicious
- B. Animals Running at Large.
1. No person having in his or her possession or ownership any animal or fowl shall allow the same to run at large within the village. The owner of any animal, whether licensed or unlicensed, shall keep his or her animal tied or enclosed in a proper enclosure so as not to allow the animal to interfere with the passing public or neighbors. Any animal running at large unlicensed and required by state law or village ordinance to be licensed shall be seized and impounded by a humane or law enforcement officer.
 2. A dog or cat shall not be considered to be running at large if it is on a leash not to exceed ten (10) feet in length and under control of a person physically able to control it when the animal is off of the owner's premises.
- C. Dangerous Animals
1. No animal which has been declared dangerous by a member of a law enforcement agency or a humane officer shall be allowed off the premises of its owner unless muzzled or on a leash and under control of the owner or a member of the owner's immediate family over sixteen (16) years of age.
 2. An animal which has bitten a person or another animal is subject to the quarantine provisions under 6.04.060
- D. Vicious Animals
1. No animal which has been declared vicious by a member of a law enforcement agency or a humane officer shall be allowed off the premises of its owner unless muzzled or on a leash and under control of the owner or a member of the owner's immediate family over sixteen (16) years of age.

2. An animal which has been declared vicious by a member of a law enforcement agency or a humane officer is subject to immediate seizure by a law enforcement officer and is subject to the impoundment provisions under 6.04.080.

3. An animal which has been declared vicious by a member of a law enforcement agency or a humane officer is subject to removal from the Village

4. An animal which has bitten a person or another animal is subject to the quarantine provisions under 6.04.060

E. An owner aggrieved by a declaration issued by the police or a humane officer declaring an animal to be dangerous or vicious may appeal the order to the police committee by giving written notice of such appeal to the village clerk within ten days of receipt of the order. The police committee shall then set a time and place for a hearing, shall conduct a hearing at which the appellant and the police or humane officer may present witnesses and be heard, and shall issue a written decision, which written decision shall be provided to the appellant and the police or humane officer. The police committee, in its discretion, may issue its written decision at the same meeting during which the hearing is held or at the next police committee meeting. Either the appellant, the police or humane officer may appeal the decision of the police committee to the village board by giving written notice of such appeal to the village clerk within five days of receipt of the written decision. The village board shall then act on the appeal, although no hearing is necessary. The appellant, the chief of police or humane officer may, within 30 days after the village board issues its decision, appeal the decision by certiorari review to Dane County Circuit Court.

1. The conditions of an order shall be stayed during the pendency of a lawful appeal, except that if the law enforcement officer or humane officer determines that certain conditions must be immediately and continuously imposed to protect the public from immediate danger from the animal, such conditions shall remain in effect during the pendency of the appeal. As part of the appeal, the owner aggrieved by the order may appeal to the police committee the immediate and continuous imposition of the conditions and seek to have them stayed during the pendency of the appeal.

F. Animals Restricted on Public Grounds and Cemeteries. No dog or cat shall be permitted in any public playground, school grounds, public park, beach, or swimming area within the village unless such dog or cat is on a leash and under control. Dogs and cats are prohibited from being in cemeteries. Every dog specially trained to lead blind persons shall be exempt from this section.

G. Owner's Liability for Damage Caused by Dogs—Penalties. The provisions of Section 174.02, Wis. Stats., relating to the owner's liability for damage caused by dogs together with the penalties therein set forth are adopted and incorporated herein by reference.

SECTION 6.04.100 is hereby Repealed and Recreated to read as follows:

6.04.100 - Prohibited Animals

A. Keeping of Animals Prohibited. It is unlawful to keep, harbor, own or in any way possess within the corporate limits of the village:

1. Any warm-blooded, carnivorous or omnivorous, wild or exotic animal including but not limited to non-human primates, raccoons, skunks, foxes and wild and exotic cats.

2. Any animal having poisonous bites.

SECTION 6.04.230 is hereby Repealed and Recreated to read as follows:

6.04.230 - Violation—Penalty.

- A. 1. Anyone who violates Sections 6.04.020 through 6.04.220 of this chapter or Chapter 174, Wis. Stats., or who interferes with the enforcement of any of the provisions of this chapter, and is found guilty thereof shall be subject to a penalty as provided in Section 1.16.010 of this code. This section shall also permit the village attorney to apply to the court of competent jurisdiction for a temporary or permanent injunction restraining any person from violating any aspect of this chapter.
2. An owner who refuses to comply with an order issued under Section 6.04.060 of this chapter to deliver an animal to an officer, isolation facility or veterinarian or who does not comply with the conditions of an order that an animal be quarantined shall be subject to penalties in an amount to be set by resolution of the village board.
- B. Each day that a violation of this chapter continues shall be deemed a separate violation. Any animal found to be the subject of a violation of this section shall be subject to immediate seizure, impoundment and removal from the village by a member of a law enforcement agency or a humane officer in the event the owner or keeper of the animal fails to remove the animal from the village. In addition to the foregoing penalties, any person who violates this chapter shall pay all expenses including shelter, food, handling and veterinary care necessitated by the enforcement of this chapter.

The Village Board DOES FURTHER ORDAIN that this Ordinance shall be effective following its adoption and publication.

Dated this _____ day of _____ 2015

By: Steve Struss , Village President

Attest: Lisa Moen, Village Clerk

Adopted:

Vote: Ayes:

Published:

Noes: