

**VILLAGE OF MELROSE  
ANIMAL CONTROL - CHAPTER 12**

**12.10 REGULATION OF LIVESTOCK:**

1. **PROHIBITED ACTIVITY:** It shall be unlawful for any person, acting individually or on behalf of any other person, firm or corporation, to bring within the village limits of the Village of Melrose, Wisconsin, and keep upon any premises owned or occupied by him or under his control, or rented to him, any hogs, swine, horses, mules, donkeys, ponies, cattle, goats, sheep, chickens, ducks, geese, or other fowl, or animals raised for fur bearing purposes.
2. **EXCEPTIONS:** The following exceptions shall apply to the prohibited activity set forth in sub. (1), above:
  - a) **Farm Property:** A person, firm or corporation who is a farmer owning properties within the Village or occupying the same as a tenant-farmer, shall be entitled to permit upon such premises hogs, swine, horses, mules, donkeys, ponies, cows, goats, sheep, chickens, ducks, geese, or other fowl, or animals raised for fur bearing purposes as long as such premises are actually engaged in the pursuit of farming and said person, firm or corporation actually obtains his principal income from such farm and if he keeps such hogs, swine, horses, mules, donkeys, ponies, cows, goats, sheep, chickens, ducks, geese, or other fowl, or animals raised for fur bearing purposes, at least 100 feet from any other residence within the Village of Melrose.
  - b) **Specific Animals:** A person, firm or corporation who owns a parcel of land within the Village of Melrose having an area of two or more acres shall be permitted to maintain on his premises, horses, ponies, goats or animals raised for fur bearing purposes so long as the animals are kept at least 100 feet from any other residence within the Village of Melrose.
3. **PENALTY:** Any person who violates the provisions of this section shall, upon conviction thereof, forfeit not more than \$100.00 along with the costs of prosecution, and in default of payment thereof, shall be imprisoned in the County Jail until said fine and costs of prosecution are paid, but not exceeding 30 days. Each day a violation of the provisions of this section continues shall constitute a separate offense.

**12.20 AN ORDINANCE REGULATING, LICENSING, AND/OR REGISTERING DOGS, CATS, AND OTHER ANIMALS PURSUANT TO SECTION 12.20 OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE**

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

**SECTION 1:** Section 12.20 of the Code of Ordinances of the Village of Melrose is hereby repealed and recreated so as to read as follows:

**12.20 REGULATION, LICENSING AND/OR REGISTERING OF DOGS, CATS AND OTHER ANIMALS**

1. **DEFINITIONS:** In this section, unless the context or subject matter otherwise requires:
  - a) "Owner" shall mean any person owning, harboring, or keeping a dog, cat, or other animal. The occupant of any premise in which a dog, cat, or other animal customarily returns daily for a period of ten consecutive (10) days is presumed to be harboring or keeping the dog, cat, or other animal within the meaning of this Ordinance.
  - b) "DOG" Shall mean any canine, regardless of age or sex.
  - c) "Cat" shall mean any domesticated feline, regardless of age or sex.
2. **RESTRICTIONS ON KEEPING OF DOGS AND CATS:** It shall be unlawful for any person to own, keep or have in their possession a dog or a cat which:
  - a) Habitually pursues vehicles, bicycles, or persons on public streets, alleys, highways, or sidewalks.
  - b) Has attacked or bitten any person or is vicious (showing that an animal has attacked, bitten, or injured a person without provocation shall constitute a prima facie showing that such animal is vicious).
  - c) Habitually barks, cries, or howls to the annoyance of any person or persons.
  - d) Keep in his/her possession a dog which has not been licensed or vaccinated as required by the Village of Melrose Ordinances.
  - e) Kills, wounds, or worries any domestic animals.
  - f) Goes upon public or private lands or premises without the permission of the owner of such premises and injures or damages any lawn, flower bed, plant, shrub, tree, or garden in any manner.
  - g) Which repeatedly and/or habitually defecates or urinates on another person's property. No owner shall allow their dog or cat to soil, defile, defecate, or commit any nuisance on any private or public property unless the owner immediately removes and disposes of all feces in a proper way on the owner's premises.

- h) It shall also be unlawful for any person to permit the accumulation of dog or cat feces on said person's property to a degree that said accumulation causes of nuisance. For purposes of this subsection, nuisance shall include, but not be limited to, the attraction of flies and other insects and the creation of offensive odors.

3. CRUELTY TO ANIMALS:

- a) Every owner or person responsible for animals shall provide said animals under their care with sufficient wholesome food and potable water. In addition, said owner or person shall not confine or allow animals to remain outside during adverse weather conditions. Furthermore, every owner shall provide:
- 1) Sufficient shelter appropriate to the local climatic conditions. Sufficient shelter shall require that:
    - Housing facilities shall be structurally sound, moisture proof, and maintained in good repair.
    - The floor in said shelter shall be raised two inches off the ground.
    - An entrance shall be provided which is shielded from direct exposure to the weather during winter time.
    - A sufficient quantity of suitable, clean bedding is provided for insulation and protection in cold or damp weather.
  - 2) Sufficient shade that is provided by a natural or an artificial source to protect the animal from direct sunlight.
  - 3) Enclosures which allow sufficient space to allow each animal adequate freedom of movement and the retention of body heat.
  - 4) Pens or enclosures that are clean, sanitary, and create no offensive odors.
  - 5) If chained, a dog must have a chain of eight (8) feet or of sufficient length to allow for effective movement and access to food, water and shelter.
- b) No person shall:
- 1) Abandon or neglect any animal.
  - 2) Kick, beat or cruelly ill-treat, torment or otherwise abuse an animal.
  - 3) Leave any animal enclosed in any type of vehicle where the air temperature inside or out would cause the animal distress, illness, or loss of life.

4. **NUMBER OF DOGS AND CATS LIMITED:** It is hereby determined by the Village Board of the Village of Melrose that the owning, harboring and keeping of a large number of dogs, cats, or combination thereof within the Village shall detract from the quality of life adding to noise, odor, public health concerns, safety, and nuisances within the Village. Therefore, it is determined that:
- a) **Limitation:** No person shall own, harbor or keep in their possession within the Village of Melrose more than three dogs, three cats, or a combination of dogs and cats not to exceed a total number of four animals over the age of six months except when said person owns or holds a kennel license which is in full force and effect.
  - b) **Exemption:** Any person owning, harboring or keeping in their possession within the Village of Melrose on or before September 15, 2003, more than four dogs, cats or combination thereof over the age of 6 months shall be permitted to keep such animals in their possession provided that:
    - 1) All of said dogs have been properly licensed/registered and all fees paid in full to the Village of Melrose.
    - 2) All of said dogs and cats have received rabies immunization for each animal and proof thereof is furnished to the Village of Melrose personnel empowered to enforce this Ordinance.
    - 3) It is to be made clear that this exemption does not authorize said person to replace any dog or cat in excess of the limitations set forth herein which would then exceed the maximum number of four dogs or cats.
  - c) **Multi-Family Residences/Mobile Home Park:** A person who resides in multi-family residences or in a mobile home park within the Village of Melrose may keep or possess two cats or two dogs or any combination of three such animals.
5. **LICENSES/REGISTRATION REQUIRED:**
- a) Every person owning, harboring, or keeping a dog within the Village of Melrose more than five months old on January 1 of any year or which reaches the age of 5 months of age within the license year shall annually or within (30) thirty days from the date such dog becomes five months old in the manner provided by law for the payment of personal property taxes, pay a dog license tax and obtain a license therefore as provided by Sections 174.05 and 174.07 of the Wisconsin Statutes which sections so far as applicable are hereby adopted by reference.
  - b) All cats shall be required to wear a collar or identifying tag. Cats running at large without a collar or identifying tag within the Village limits may be subject to seizure by personnel empowered to enforce this Ordinance. All cats shall be required to be vaccinated for rabies. The owner shall maintain a record of the vaccination in case proof is required.

6. PROHIBITED AREAS: Dogs shall not be permitted to be within the Village of Melrose cemetery.
7. RABIES. All dogs and cats shall be vaccinated for rabies within 30 days after reaching the age of five months. Unvaccinated dogs or cats over five months of age acquired or moved into the Village must be vaccinated within 30 days after their purchase or arrival. All dogs or cats vaccinated at under one year shall be re-vaccinated twelve months after the initial vaccination. Thereafter, every dog or cat within the Village of Melrose shall be re-vaccinated at not more than thirty-six month intervals with a three-year vaccine or at twelve month intervals with a twelve month vaccine.
8. VICIOUS ANIMALS:
  - a) In relation to this Ordinance, any dog, cat or other animal which has previously bitten any person or has shown a propensity to bite or attack a person or other animal shall constitute prima facie evidence that such animal is vicious. The owner of such a vicious animal as determined to be vicious by this subparagraph shall have the right to appeal said determination in relation to his/her dog/cat or animal to the Village Board of the Village of Melrose. Said owner may present evidence to refute such a “vicious” determination as to his/her respective animal.
  - b) Any dog owned or harbored primarily or in part for the purposes of dog fighting or any dog trained for dog fighting is defined as vicious.
  - c) Any owner of property who is host to a vicious animal as described herein shall post signs no smaller than twenty-four inches by twenty-four inches in a bright color bearing the wording “**WARNING-VICIOUS ANIMAL**” in English. Signs shall be posted at each entrance to the house or building on the premises and at each entrance through a fence and at locations that are viewable from the public sidewalk or street.
  - d) When off the owner’s premise all vicious animals shall be muzzled with a no-bite muzzle, restrained as to movement by a choke-type collar or harness, and leashed under the direct control of a mentally competent adult person.
  - e) Vicious animals, while on their own premises, shall be contained in a secured building or confinement area or secured fences of sufficient height and strength to maintain the animal within. Such fences shall be inspected and approved by the Village of Melrose personnel.
9. DUTY OF OWNER IN CASE OF DOG OR CAT BITES: Every owner or person harboring or keeping a dog or cat within the Village of Melrose who knows that such dog or cat has bitten any person shall immediately report such occurrence in writing to the appropriate law enforcement agency. Such owner shall keep such dog or cat confined for not less than ten (10) days or for such a period of time as the appropriate law enforcement agency shall direct. Upon demand, the owner or keeper of any such dog or cat shall

surrender the dog or cat to the Village of Melrose Police Department for examination purposes.

10. **IMPOUNDING OR KILLING OF DOGS:** In addition to any penalty hereinafter provided for a violation of this Ordinance, any person may impound any dog or cat and the Village Police Department or designated law enforcement personnel may destroy any dog or cat which habitually pursues any vehicle or person upon any street, alley, or highway of this Village, or habitually barks, cries, howls, kills, sounds, or worries any domestic animal or is infected with rabies. Return of a dog or cat to an owner impounded under this Ordinance shall be obtained by paying such fees as required by the Jackson County Animal Shelter. A dog or cat impounded for a period of seven days or more may be destroyed by or under the direction of the Jackson County Animal Shelter. Cats or dogs impounded may also be neutered at the discretion of the Jackson County Animal Shelter.
11. **DOG UNDER CONTROL OF OWNER:** A dog shall be considered under the control of its owner when it is restrained by chain, leash or rope, is contained or controlled by an electronic barrier or wireless restraint system, or under the verbal or visual command of its owner/agent or responsible person.
12. **OTHER ANIMALS PROHIBITED:** No person within the Village of Melrose shall bring into, keep, maintain, offer for sale or release to the wild any of the following animals:
  - a) Any fowl, turkey, ducks, chickens, geese, sheep, swine (including potbellied pigs), goats, or any domesticated livestock unless authorized by the Village Board of the Village of Melrose for purposes of display, performance, or agricultural operation.
  - b) Any wild animals, primates, and wolf-dog hybrids.
  - c) Any poisonous or venomous, biting or injecting species of reptiles or insects, amphibians, arachnids or bees.
  - d) Snakes not indigenous to Wisconsin or any snake over three feet long.
13. **PENALTY:** Any person who shall violate any provision of this Ordinance shall upon conviction thereof forfeit not less than twenty-five dollars (\$25.00) nor more than three-hundred dollars (\$300.00) together with the costs of prosecution and upon default of payment of such forfeiture and costs of prosecution may be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty (30) days.

**SECTION 2: SEVERABILITY:** If any part of this Ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

**SECTION 3: CONFLICTING ORDINANCES:** All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

**SECTION 4: EFFECTIVE DATE:** Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

Signed by:  
LeRoy Craig, President  
Village of Melrose

Attest signed by:  
Judith Andersen, Clerk  
Village of Melrose

Dated: 09/03/2003  
Passed: 09/03/2003  
Published: 09/10/2003

**VILLAGE OF MELROSE  
ADDENDUM - ORDINANCE NO. 12.20**

**AN ORDINANCE REPEALING AND RECREATING SECTION 12.20 2. f) AND SECTION 12.20 5. a) OF THE CODE OF ORDINANCES OF THE VILLAGE OF MELROSE REGULATING, LICENSING, AND/OR REGISTERING DOGS, CATS, AND OTHER ANIMALS.**

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

**SECTION 1:** Section 12.20 2. f) and 12.20 5. a) of the Code of Ordinances of the Village of Melrose are hereby repealed and recreated to read as follows:

**Section 12.20 2. f) Goes upon public or private lands or permits without the permission of the owner of such premises.**

**Section 12.20 5. a) Every person owning, harboring, or keeping a dog within the Village of Melrose more than five months old on January 1 of any year or which reaches the age of 5 months of age within the license year shall annually or within (30) thirty days from the date such dog becomes five months old in the manner provided by law for the payment of personal property taxes, pay a dog license tax and obtain a license therefore as provided by Sections 174.05 and 174.07 of the Wisconsin Statutes which sections so far as applicable are hereby adopted by reference. In accordance with State Statutes, this license must be obtained not later than March 31<sup>st</sup> of each calendar year. In addition to the charges established by Jackson County for each calendar year, the Village establishes a \$5.00 Village License Fee for each licensed dog to offset Village administrative and enforcement costs. Additionally, dog licenses purchased on or after April 1<sup>st</sup> of each calendar year will be assessed a \$20.00 late license fee. New residents to the Village are allowed a (30) thirty day dog licensing grace period.**





## **12.25 AN ORDINANCE PROVIDING FOR THE REGULATION OF FECAL MATTER**

The Village Board of the Village of Melrose, Jackson County, Wisconsin, do ordain as follows:

**SECTION 1:** Section 12.25 of the Code of Ordinances of the Village of Melrose is hereby created so as to read as follows:

(a) **REMOVAL OF FECAL MATTER.**

The owner or person in charge of any dog, cat, horse, or other animal shall not permit solid fecal matter of such animal to deposit on any street, alley or other public or private property, unless such matter is immediately removed therefrom by said owner or person in charge. **The owner or person in charge of such animal shall, while on any street, alley or other public or private property of another, with such animal, have within their possession the necessary equipment to immediately remove such fecal matter from the street, alley or other public or private property.** This section shall not apply to a person who is visually or physically handicapped.

(b) **ACCUMULATION OF FECAL MATTER PROHIBITED ON PRIVATE YARDS.**

The owner or person in charge of the dog or cat must also prevent accumulation of animal waste on his own property by regularly patrolling and properly disposing of the fecal matter.

(c) **PENALTY.**

Any person who shall violate any provision of this Ordinance shall upon conviction thereof forfeit not less than twenty-five dollars (\$25.00) nor more than three-hundred dollars (\$300.00) together with the costs of prosecution and upon default of payment of such forfeiture and costs of prosecution may be imprisoned in the county jail until said forfeiture and costs are paid, but not to exceed thirty (30) days.

### **SECTION 2: SEVERABILITY**

If any part of this ordinance is for any reason found to be invalid or unconstitutional by reason of any decision by any court of competent, jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

### **SECTION 3: CONFLICTING ORDINANCES**

All other ordinances or parts of ordinances of the Village of Melrose inconsistent or in conflict herewith are hereby repealed.

**SECTION 4: EFFECTIVE DATE**

Upon passage and publication, this ordinance shall take effect and be in force as provided by law.

/s/ \_\_\_\_\_  
Tory Lockington, Village President

/s/ \_\_\_\_\_  
Dan Ciechanowski, Village Clerk

Passed:           5/8/14  
Approved:       5/8/14  
Published:       5/14/14