

Sec. 7-1-16 Providing Proper Care, Food and Drink to Animals.

- (a) **Care of Dogs, Cats and Domesticated Animals.** All dogs, cats and other domesticated animals shall be cared for, maintained and handled in a humane and sanitary manner and in such a way as to prevent noises, barking, fighting or howling or other disturbance of the peace and quiet of the neighborhood. No domestic animal shall be abandoned or turned loose by its owner or keeper. No animal shall be inhumanely confined in a manner which causes or is likely to cause pain, suffering, injury or death, or be kept in an unsanitary or matted state of grooming.
- (b) **Food and Water.**
- (1) No person owning or responsible for confining or impounding any animal may refuse or neglect to supply the animal with a sufficient supply of food and water as prescribed in this Section.
 - (2) The food shall be sufficient to maintain all animals in good health.
 - (3) If potable water is not accessible to the animals at all times, it shall be provided daily and in sufficient quantity for the health of the animal.

State Law Reference: Sec. 951.13, Wis. Stats.

Sec. 7-1-17 Providing Proper Shelter.

- (a) **Proper Shelter.** No person owning or responsible for confining, harboring or impounding any animal, including, but not limited to, dogs, cats and horses, shall fail to provide the animal with proper shelter as prescribed in this Section. In the case of farm animals, nothing in this Section shall be construed as imposing shelter requirements or standards more stringent than normally accepted husbandry practices in the particular county where the animal or shelter is located.
- (b) **Indoor Standards.** Minimum indoor standards of shelter shall include:
- (1) **Ambient temperatures.** The ambient temperature shall be compatible with the health of the animal.
 - (2) **Ventilation.** Indoor housing facilities shall be adequately ventilated by natural or mechanical means to provide for the health of the animals at all times.
- (c) **Outdoor Standards.** Minimum outdoor standards of shelter shall include:
- (1) **Shelter from sunlight.** When sunlight is likely to cause heat exhaustion of an animal tied or caged outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight. As used in this paragraph, "caged" does not include farm fencing used to confine farm animals.
 - (2) **Shelter from inclement weather.**
 - a. **Animals generally.** Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided as necessary for the health of the animal.

- b. **Dogs.** If a dog is tied or confined unattended outdoors under weather conditions which adversely affect the health of the dog, a shelter of suitable size to accommodate the dog shall be provided.
- (d) **Space Standards.** Minimum space requirements for both indoor and outdoor enclosures shall include:
 - (1) **Structural strength.** The housing facilities shall be structurally sound and maintained in good repair to protect the animals from injury and to contain the animals.
 - (2) **Space requirements.** Enclosures shall be constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement. Inadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.
- (e) **Sanitation Standards.** Minimum standards of sanitation for both indoor and outdoor enclosures shall include periodic cleaning to remove excreta and other waste materials, dirt and trash so as to minimize health hazards.

State Law Reference: Sec. 951.14, Wis. Stats.

Sec. 7-1-18 Neglected, Abandoned or Injured Animals.

- (a) **Neglected or Abandoned Animals.**
 - (1) No person may abandon any animal.
 - (2) Any law enforcement or animal control officer may remove, shelter and care for an animal found to be cruelly exposed to the weather, starved or denied adequate water, neglected, abandoned or otherwise treated in a cruel manner and may deliver such animal to another person to be sheltered, cared for and given medical attention, if necessary. In all cases the owner, if known, shall be immediately notified and such officer, or other person, having possession of the animal shall have a lien thereon for its care, keeping and medical attention and the expense of notice.
 - (3) If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained or does not, within five (5) days after notice, redeem the animal by paying the expenses incurred, it may be treated as a stray and dealt with as such.
 - (4) Whenever, in the opinion of any such officer, an animal is hopelessly injured or diseased so as to be beyond the probability of recovery, it shall be lawful for such officer to kill such animal and the owner thereof shall not recover damages for the killing of such animal unless he shall prove that such killing was unwarranted.
 - (5) Section 951.16, Investigation of Cruelty Complaints, and Sec. 951.17, Wis. Stats., Expenses of Investigation, are hereby adopted by reference and made a part of this Chapter.
- (b) **Injured Animals.** No person who owns, harbors or keeps any animal shall fail to provide proper medical attention to such animal when and if such animal becomes sick or injured.

In the event the owner of such animal cannot be located, the Village or any animal control agency with whom the Village has an agreement or contract shall have the authority to take custody of such animal for the purpose of providing medical treatment, and the owner thereof shall reimburse the person or organization for the costs of such treatment.

- (c) **Vehicle Accidents.** The operator of any vehicle involved in an accident resulting in injury to or death of any domestic animal shall stop such vehicle at the scene of the accident, or as close thereto as possible, and, if possible to do so safely, remove the animal to the side of the roadway and notify the Police Department.

State Law Reference: Secs. 951.15, 951.16 and 951.17, Wis. Stats.

Sec. 7-1-19 Cruelty to Animals and Birds Prohibited.

- (a) **Acts of Cruelty or Mistreatment Prohibited.** No person may treat any animal, whether belonging to that person or not, in a cruel manner. No person except a law enforcement or animal control officer in the pursuit of his/her duties shall, within the Village of Elk Mound, shoot or kill or commit an act of cruelty to any animal or bird or disturb any bird's nests or bird's eggs. This Subsection does not prohibit bona fide experiments carried on for scientific research or normal and accepted veterinary practices.
- (b) **Leading Animal From Motor Vehicle.** No person shall lead any animal upon a Village street from a motor vehicle, tractor, snowmobile, all-terrain vehicle, or from a trailer or semi-trailer drawn by a motor vehicle.
- (c) **Use of Poisonous and Controlled Substances.** No person may expose any pet animal owned by another to any known poisonous substance or controlled substance listed in Sec. 961.14, Wis. Stats., whether mixed with meat or other food or not, where it is reasonable to anticipate the substance may be eaten by such animal or for the purpose of harming the animal. This Subsection shall not apply to poison used on one's own premises and designed for the purpose of rodent and pest extermination, nor the use of a controlled substance used in accepted veterinarian practice or in research by persons or organizations regularly engaged in such research.
- (d) **Use of Certain Devices Prohibited.** No person may directly or indirectly, or by aiding, abetting or permitting the doing thereof either put, place, fasten, use or fix upon or to any animal used or readied for use for a work purpose or for use in an exhibition, competition, rodeo, circus or other performance any of the following devices: a bristle bur, tack bur or like device; or a poling device used to train a horse to jump which is charged with electricity or to which have been affixed nails, tacks or other sharp points.
- (e) **Shooting at Caged or Staked Animals.** No person may instigate, promote, aid or abet as a principal, agent, employee, participant or spectator, or participate in the earnings from or intentionally maintain or allow any place to be used for the shooting, killing or

wounding with a firearm or any deadly weapon any animal that is tied, staked out, caged or otherwise intentionally confined in a man-made enclosure, regardless of size.

- (f) **Transportation of Animals.** No person may transport any animal in or upon any vehicle in a cruel or reckless manner. An animal shall not be left unattended in a vehicle when extreme heat conditions exist.
- (g) **Taking Without Owner's Consent.** No person may take any dog, cat or other domestic animal from one place to another without the owner's consent or cause such animal to be confined, transported or held without the owner's consent, except when such is part of an enforcement response by authorities.

Sec. 7-1-20 Limitation on Number of Dogs and Cats.

- (a) **Purpose.** The keeping of a large number of dogs and cats within the Village of Elk Mound for a considerable period of time detracts from and, in many instances, is detrimental to, healthful and comfortable life in such areas. The keeping of a large number of dogs and cats is, therefore, declared a public nuisance.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Dog.** Any canine, regardless of age or sex.
 - (2) **Residential Lot.** A residential lot means a parcel of land zoned as residential, occupied or to be occupied by a dwelling, platted or unplatted, and under common ownership. For the purpose of this Section, any vacant parcel or parcels adjoining a dwelling and under the same ownership shall constitute one (1) lot.
- (c) **Number Limited.**
 - (1) No family shall own, harbor or keep in its possession more than three (3) dogs or cats on any residentially zoned lot without the prior approval of the Village Board, except that a litter of pups or kittens or a portion of a litter may be kept for not more than eight (8) weeks from birth. If more than one (1) family resides on a residential lot, then only a total of three (3) dogs or cats shall be allowed on the residential lot unless the prior approval is obtained from the Village Board. For the purposes of this Section, the term "family" shall be defined as one (1) or more persons.
 - (2) The above requirement may be modified with the approval of the Village Board when a multiple dog (kennel) license has been issued by the Village pursuant to Section 7-1-3(b). Such application for modification shall be made to the Village Clerk-Treasurer as part of the conditional use application.

Sec. 7-1-21 Trapping of Animals.

- (a) **Unauthorized Placement on Public Lands Prohibited.**
 - (1) In the interest of public health and safety, it shall be unlawful for any person, on Village-owned land within the Village of Elk Mound to set, place or tend any trap for the purpose of trapping, killing, catching, wounding, worrying or molesting any animal, except by use of live box-type traps only. Live box-type traps shall be

defined as those traps which capture and hold an animal in an alive and unharmed condition.

- (2) This Section shall prohibit the use of all traps on Village-owned property other than live traps as described above, including, but not limited to, traps commonly known as leg traps, pan-type traps or other traps designed to kill, wound or close upon a portion of the body of an animal.
- (b) **Statutory Requirements.** All such traps set, placed or tended shall comply with Chapter 29, Wis. Stats., as they relate to trapping.
- (c) **Official Duties Exception.** Nothing in this Section shall prohibit the Village of Elk Mound or its employees or agents from performing their official duties or engaging in Village Board-authorized vermin control.

Sec. 7-1-22 Snakes; Farm Animals.

- (a) **Snakes.**
 - (1) For purposes of this Subsection, "poisonous" shall mean having the ability to cause serious harm or death by the transfer of venom or poison to a person or animal.
 - (2) No person shall keep or possess any snake in the Village of Elk Mound which is poisonous or in excess of ten (10) feet in length. This prohibition shall not apply to bona fide zoos, educational institutions or exhibitions keeping such snakes for display or for instructional or research purposes. Any person legally possessing any such animal in this capacity shall notify the Village Clerk-Treasurer in writing of the location and type of snake being kept and the purpose for such possession.
- (b) **Farm Animals; Miniature Pigs.** Except as provided in Section 7-1-24 regarding miniature pigs and on properties zoned in an agricultural or transitional agricultural classification, no person shall own, keep, harbor or board any cattle, horses, ponies, swine, goats, sheep or rabbits [more than four (4)]. For purposes of this Subsection, the term "swine" shall not include any miniature pigs of either sex weighing less than one hundred (100) pounds which are intended for and kept as domestic pets. The keeping of poultry and fowl shall be as provided in Section 7-1-25.

Sec. 7-1-23 Keeping of Bees.

It shall be unlawful for any person to establish or maintain any hive, stand or box where bees are kept or keep any bees in or upon any premises within the corporate limits of the Village of Elk Mound unless the bees are kept in accordance with the following provisions:

- (a) No hive, stand or box where bees are kept shall be located closer than twenty (20) feet to any property boundary. Such hives, stands or boxes may only be located in the rear yard.

- (b) If bee colonies are kept within fifty (50) feet of any exterior boundary of the property on which the hive, stand or box is located, a barrier that will prevent bees from flying through it, no less than five (5) feet high, shall be installed and maintained along said exterior boundary. Said barrier may be either a natural planting or artificial.
- (c) Fresh, clean watering facilities for bees shall be provided on the said premises.
- (d) The bees and equipment shall be kept in accordance with the provisions of state law.
- (e) A conditional use permit shall first be obtained pursuant to the Village Zoning Code.
- (f) An exception to the requirements of this Section is the keeping of bees in a hive, stand or box located within a school building for the purpose of study or observation.

Sec. 7-1-24 Vietnamese Potbellied Pigs.

- (a) **Definitions.** As used in this Section, a "Vietnamese Potbellied Pig" shall mean a purebred Vietnamese Potbellied Pig registered through a North American Vietnamese Potbellied Pig Registry, which does not exceed one hundred (100) pounds in weight.
- (b) **License Required/Fee.** It is unlawful for any person, party, firm or corporation to keep or maintain within the Village of Elk Mound limits a Vietnamese Potbellied Pig without first having obtained a license from the Village Clerk-Treasurer and being in compliance with all provisions of this Section. The fee for a license issued hereunder or renewal thereof shall be as prescribed in Section 1-3-1 per calendar year or fraction thereof. Excepted from the license requirement is any law enforcement agency or agency under contract with the Village of Elk Mound to care for stray or unwanted animals.
- (c) **License/Application.**
 - (1) Any applicant for a license or renewal thereof under this Section shall file with the Village Clerk-Treasurer a fully executed application on a form prescribed by the Village Clerk-Treasurer, accompanied by the annual license fee.
 - (2) No licenses or renewal thereof shall issue hereunder until:
 - a. A Certificate of Purebred Registration is filed with the Village Clerk-Treasurer.
 - b. There has been an inspection by a Village law official, such as the animal control officer or the Building Inspector, of the premises being licensed and a determination by said sanitarian that all requirements of this Section, and other applicable general and zoning ordinances, have been met.
 - c. There is an adequate means of restraining animals from running at large or disturbing the peace.
 - (3) Any license or renewal thereof issued hereunder shall be for a calendar year or portion thereof. Licenses must be renewed each calendar year on or before the 31st day of January. Licenses shall not be assignable or transferable either to another person, party, firm or corporation or for another location.
 - (4) When issued, a license shall be kept upon the licensed premises and exhibited, upon request, to any Village personnel requesting to examine it and having authority to enforce this Section.

- (5) Only one (1) Vietnamese Potbellied Pig may be at any premises.
- (d) **License Requirements.** Licensee shall comply with the following as a condition of obtaining and maintaining a license:
- (1) Animal feces to be collected on a daily basis and stored in a sanitary receptacle. Animals shall not be brought, or permitted to be, on property, public or private, not owned or possessed by the owner or person in charge of the animal, unless such person has in his/her immediate possession an appropriate device for scooping excrement and an appropriate depository for the transmission of excrement to a receptacle located upon property owned or possessed by such person.
 - (2) When sunlight is likely to cause overheating to discomfort, sufficient shade shall be provided to allow an animal kept outdoors to protect itself from the direct rays of the sun.
 - (3) An animal kept outdoors shall be provided with access to shelter to allow it to remain dry during rain or snow. Animals may be kept outdoors only if contained in a fenced enclosure sufficient for purposes of restraint.
 - (4) When the atmospheric temperature is less than fifty degrees Fahrenheit (50°F), an animal shall be kept indoors at a temperature no less than fifty degrees Fahrenheit (50°F), except for temporary ventures which do not endanger the animals health.
 - (5) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.
 - (6) Animals shall be fed and watered at least once a day, except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, wholesome, palatable and of sufficient quality and nutritive value to meet the normal daily requirements for the condition and size of the animal. Food receptacles shall be accessible to the animal and shall be located so as to minimize contamination by excreta. Feeding pans shall be durable and kept clean. The food receptacles shall be cleaned daily. Disposable food receptacles may be used, but must be discarded after each feeding. Self-feeders may be used for the feeding of dry food and they shall be sanitized as needed, but at least once per week, to prevent molding, deterioration or caking of feed.
 - (7) Animals may not be permitted to exceed one hundred (100) pounds in weight.
 - (8) Animals shall be examined by a veterinarian within a period of sixty (60) days prior to a new license application being filed. The animal may be licensed only upon a written statement from a veterinarian as to:
 - a. The animal's weight.
 - b. The animal has received all recommended vaccinations and boosters.
 - c. The animal is asymptomatic respecting disease or has a disease which is not contagious and is receiving appropriate treatment.
 - d. The animal's tusks, if any, have been removed or trimmed so as not to endanger any person or animal.

- e. The animal has passed a pseudorabies test administered in accordance with application state regulations.
- (9) The animal shall not be permitted to run at large. "Run at large" shall mean the presence of an animal which is not on a leash of six (6) feet or less on any public property or thoroughfare or on any private property. An animal may be unleashed on private property, with the permission of the property owner, in a fenced enclosure sufficient for purposes of restraint. Animals which are not leashed in a motor vehicle shall not be deemed to "run at large" if secured in a manner as will prevent their escape therefrom.
- (10) Animals shall not be kept in a manner as to disturb the peace of the neighborhood or of persons passing to and from upon the streets.
- (e) **Suspension, Revocation or Denial of Renewal of License.** A Village law enforcement or animal control officer shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any license has violated any of the provisions of this Section, or any ordinance of the Village of Elk Mound, or law, rule or regulation of the State of Wisconsin, involving cruelty or mistreatment of the animal, or the unlawful possession of the animal. Prior to the suspension or revocation of any license or the denial of an application for a renewal thereof, written notice of the reason for such action shall be given to the applicant or licensee by the officer. Such notice shall state that the applicant may pursue an appeal to the Village Board by filing a request within ten (10) days of such notice.

Sec. 7-1-25 Keeping of Chickens on Residential Parcels.

- (a) **Purpose.** The purpose of this Section is to provide standards for the keeping of a limited number of domesticated chickens and other poultry on residential parcels in the Village of Elk Mound on a non-commercial basis while limiting the potential adverse impacts on the surrounding neighborhood. The Village recognizes that the keeping of backyard chickens helps provide locally produced, affordable and sustainable food. In addition, the keeping of such chickens can also provide animal companionship, weed and insect control, and nitrogen-rich fertilizer. The Village of Elk Mound recognizes, however, that potential adverse impacts may result from the keeping of domesticated chickens as a result of odor, unsanitary waste removal and storage practices, noise, improper living conditions, non-confined poultry leaving the owner's property, and the attraction of predators, rodents or insects. This Section is intended to balance these interests. This Section is not intended to apply to indoor non-poultry birds kept as pets, including, but not limited to, parrots and parakeets, nor to the lawful transportation of fowl through the Village of Elk Mound.
- (b) **Definitions.** The following definitions shall be applicable in this Section:
 - (1) **Chicken.** Includes the following types of poultry and fowl: chickens, ducks, pigeons, doves, and quail. [Note: Other poultry types are specifically addressed in this Section.]

- (2) **Chicken Coop.** A structure or building for the sheltering of chickens or other poultry. An existing shed or garage may be utilized for this purpose if it meets the standards of this Section, including required distances to property lines and neighboring residences. Also known as a "hen house" or "chicken house".
- (3) **Chicken Pen.** An outdoor fenced area for poultry grazing and exercise use associated with a chicken coop structure. Also known as a "run".
- (c) **Where Permitted.** Chickens may be raised on one- or two-family residential-zoned parcels, as defined in the Village of Elk Mound Zoning Code, in accordance with the regulations prescribed in this Section where a principal residence exists on the parcel.
- (d) **Permit Required; Application Requirements.** No chickens may be kept in the Village of Elk Mound on parcels with a residential zoning classification except pursuant to a permit obtained from the Village of Elk Mound under this Section. A permit may be issued upon the applicant's meeting of the application requirements below and the husbandry and location standards of this Section:
 - (1) **Consent From Adult Residents.** The applicant must provide the written consent from all adult residents residing on the parcel for which the permit is sought.
 - (2) **Consent From Two-Family/Three Family Neighbors.** In the case of an applicant residing on a parcel with a two-family or three-family residence, the applicant must furnish with an application the written consent from the adult occupants of the other residential unit(s) on the parcel.
 - (3) **Site Plan.** The applicant shall provide a site plan showing the location and dimensions of the proposed chicken coop and any associated pen, and the distance of the coop and pen from all lot lines and principal structures located on adjacent lots.
 - (4) **Fee.** The applicant shall make payment of the initial permit fee or renewal fee prescribed in Section 1-3-1. Permit fees will not be pro-rated in the case of mid-year applications.
 - (5) **Inspection Consent.** Application and issuance of a permit under this Section constitutes consent by the applicant to the Village of Elk Mound and any of its employees or agents to enter upon the applicant's property to ascertain compliance with this Section and with the terms of the permit, for as long as a permit is in effect.
 - (6) **Permit Issuance; Appeals.**
 - a. Permits will be issued by the Village Clerk-Treasurer upon a finding that all conditions for a permit have been met. Written notice of the granting or denial of an application shall be provided to the applicant and to any person who has filed an objection to the granting of the permit. If a permit is denied, the Village will provide the reasons for such denial.
 - b. The Village may specify maximum size limits for a chicken coop and/or pen as a condition of permit issuance.
 - c. Any person aggrieved by the granting or denial of a permit may have such grant or denial reviewed by the Village Board by filing a written request for review

with the Village Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of grant or denial.

- d. Permits under this Section shall be valid for a period of one (1) year, expiring on January 31st of each year.

(e) **Permit Revocation; Citizen Complaints.**

- (1) **Revocation Grounds.** A permit issued under this Section may be revoked by the Village Clerk-Treasurer, Zoning Administrator or other enforcement official upon a finding that:
 - a. The permittee has committed a serious violation of this Section, or upon a finding that the permittee has committed multiple or repeated violations of this Section; or
 - b. The permittee has made a material misstatement or omission with his/her permit application.
- (2) **Citizen Complaints.** A citizen may file a written complaint for consideration by the Village Clerk-Treasurer or other enforcement official. Upon review, a revocation action may be initiated by the Village Clerk-Treasurer or other enforcement official.
- (3) **Revocation Procedures.** The Village Clerk-Treasurer or other enforcement official shall provide written notice to the permittee upon the revocation of a permit, and shall include in the notice a listing of the reasons for the revocation and a notice of the permittee's appeal rights as provided in this Subsection. The Village Clerk-Treasurer or other enforcement official shall also provide a copy of the notice to any person who has filed a written and signed complaint regarding the permittee, and shall also provide to any such person notice of a non-revocation on the basis of such complaint.
- (4) **Permit Revocation Appeals.** Any person aggrieved by the revocation or non-revocation of a permit may appeal such decision and have the action reviewed by the Village Board by filing a written request for review with the Village Clerk-Treasurer no later than ten (10) days after the mailing date of the notice of action.

(f) **Chicken Coop Standards.** A coop shall be provided and shall be designed to provide safe and healthy living conditions for the chickens while minimizing adverse impacts to other residents in the neighborhood. Chickens shall be provided with a building or structure ("coop") that meets the criteria set forth below:

- (1) **Location.** The coop shall be located no closer than ten (10) feet to a lot line, and no closer than twenty-five (25) feet to any residence or other occupied structure other than that of the owner, and may not be located in the street or side yard, as that term is defined in the Village Zoning Code.
- (2) **Space Per Chicken.** Each mature chicken shall have a minimum of three (3) square feet of coop floor space.
- (3) **Nesting Boxes.** There shall be at least one (1) nesting box per mature chicken in the coop.
- (4) **Elevated Perches.** The coop shall include elevated perches.

- (5) **Soundness of Construction.** The coop must be structurally sound, moisture-proof, kept in good repair, and attractively finished and maintained. Coop structures shall have a roof and sides, be enclosed on all sides, have at least one (1) door, and be of a design that is secure from predators, including but not limited to dogs, cats, racoons, skunks, rats, coyotes and hawks. Access doors must be able to be closed and locked to prevent the escape of chickens and the entry of predators. A coop, with attached pen, may be of a moveable design to facilitate grazing provided such unit meets the standards of this Section.
 - (6) **Windows; Ventilation.** The coop shall have adequate windows and vents to provide for proper light and ventilation. A coop must have at least one (1) window. Window and vent openings shall be covered with predator- and bird-proof wire of less than one (1) inch openings. Coops shall be located in a manner so as to provide both shade and adequate sunlight.
 - (7) **Chicken Run Access.** The coop must provide access to the chicken pen/run.
 - (8) **Temperature.** The coop must be maintained at an internal temperature of not less than 25° F. A heating bulb may be utilized.
- (g) **Chicken Pens.** Chickens shall at all times be provided with an outdoor fenced area that meets the criteria set forth below:
- (1) **Location.** The chicken pen must be no closer than ten (10) feet to a lot line, and no closer than twenty-five (25) feet to any house or other occupied structure other than that of the owner, and may not be located in the street or side yard, as that term is defined in the Village Zoning Code.
 - (2) **Space Per Chicken.** Each mature chicken shall have a minimum of six (6) square feet of ground space within a chicken pen.
 - (3) **Minimum Dimensions.** The chicken pen must have minimum dimensions of three (3) feet wide by three (3) feet long by three (3) feet tall (3' x 3' x 3').
 - (4) **Fencing; Mesh Size.** The chicken pen sides shall be enclosed with sturdy wire fencing of a mesh size of not more than one (1") inch openings.
 - (5) **Chicken Pen Roof Fencing.** The chicken pen shall be covered with wire fencing or stout aviary netting with a mesh size of openings not more than one (1") inch square, or with solid roofing, to prevent entry by predators.
 - (6) **Fencing Burial.** If the chicken pen is not mobile, side fencing must be buried at least one (1) foot underground around the entire periphery of the pen to prevent burrowing by predators or rodents.
- (h) **Miscellaneous Requirements.**
- (1) **Number Limits; Other Poultry Species.**
 - a. The maximum number of chickens which may be kept on a residential zoned parcel is as follows:
 1. Five (5) for residential lots of twenty thousand (20,000) sq. ft. or less.
 - b. The number of chickens which may be kept on residential lots greater than twenty thousand (20,000) sq. ft. may be increased by one (1) additional chicken per three thousand (3,000) sq. ft. up to a maximum of eight (8).

- c. The keeping of poultry species other than those specified in Subsection (b)(1), such as, but not limited to turkeys, pheasants, guinea fowl, geese and peacocks, is permitted only on parcels forty thousand (40,000) sq. ft. or larger after issuance of a conditional use permit pursuant to the Village Zoning Code (Title 13, Chapter 1, Article E).
- (2) **Roosters.** Only female chickens are permitted on residential parcels and the keeping of roosters over four (4) months of age is prohibited on residential parcels except on those residential parcels forty thousand (40,000) square feet or larger where one (1) rooster may be kept for every ten (10) hens.
- (3) **Food and Water.** Chickens shall be provided with access to clean water and food at all times; steps shall be taken to keep such water and food unavailable to predators and rodents.
- (4) **Confinement Standards.** Chickens shall be kept confined in a coop or pen enclosure at all times, except that during daylight hours chickens may be allowed outside of their chicken pens or coops in a securely fenced yard if directly supervised. Chickens shall be secured within the coop during non-daylight hours.
- (5) **Manure Storage and Removal; Sanitary Standards.**
 - a. The coop shall be cleaned daily. Provision shall be made for the storage and removal of chicken manure and other waste generated. All stored manure shall be contained within a fully enclosed building or in a predator- and vermin-proof container with a secure lid. Manure not used for fertilizing or composting shall regularly be removed from the site.
 - b. Feed shall be stored in a predator- and vermin-proof container with a secure lid. Uneaten or spoiled feed shall be removed in a timely manner.
 - c. The coop, pen, and surrounding area shall be kept free from trash and accumulated droppings, and shall at all times be clean and well-maintained.
 - d. Mobile chicken coops or pens shall be moved daily to prevent excessive manure or pathogen accumulation.
 - e. If a chicken dies, it shall be disposed of promptly in a sanitary manner.
 - f. Chickens shall not be kept in the principal residence past eight (8) weeks of age.
- (6) **Lighting.** Only motion-activated lighting may be used as a regular means of illuminating the exterior of the coop.
- (7) **Noise and Odor Impacts.**
 - a. Perceptible noise from chickens shall not be persistent or be of such loudness at the property boundaries to disturb persons of reasonable sensitivity.
 - b. Odors from chickens, chicken manure, or other substances related to the keeping of chickens shall not be perceptible at the property boundaries.
- (8) **Slaughtering of Chickens.** No slaughtering of chickens shall take place outside or within public view.
- (9) **Restrictive Covenants.** While the Village is not an enforcement authority for private restrictive covenants in place for certain subdivisions, it is the responsibility of the

permittee to also investigate and be in compliance with any applicable land division restrictive covenants on the keeping of poultry within that subdivision.

- (i) **Sale of Eggs; Commercial Activities.** A permittee or family member of a permittee may sell eggs laid by the chickens permitted under this Section from the residence for which the permit has been issued, provided the permittee complies with all other applicable laws. The sale of such eggs is not considered a commercial use or a home occupation. Chickens may not be kept for any type of commercial purposes. It shall be unlawful for any person to keep live poultry within the Village on a residential-zoned parcel for the purposes of sale or breeding, except in compliance with zoning regulations.
- (j) **State Livestock Premises Registration.** The State of Wisconsin requires Livestock Premises Registration. Livestock Premises Registration means that any location where livestock congregates — family farm, hobby farm, backyard poultry flocks, veterinary clinics, markets, livestock feedlots, livestock dealers and haulers — provides to a central database an address, contact person, and list of species. The location gets a unique number. Forms and instructions are available at: https://datcp.wi.gov/Pages/Programs_Services/PremisesRegistration.aspx.
- (k) **Penalties.**
 - (1) A forfeiture may be assessed for any violation of this Section in an amount as authorized under Sec. 1-1-6. Each day that a violation of this Section continues shall be deemed a separate violation. Any violation hereunder shall be deemed a separate violation for each chicken kept in violation of this Section.
 - (2) In addition to a forfeiture penalty, any violation of the provisions of this Section or of the permit shall be grounds for the enforcement authorities of the Village of Elk Mound to remove the chickens and the chicken-related facilities. Nothing in this Section, including but not limited to the issuance of a permit, shall be construed as limiting the Village from abating nuisance-type conditions on a property.

Sec. 7-1-26 Feeding of Deer.

- (a) **Feeding of Deer Prohibited.** No person may place any salt, mineral, grain, deer suckers, fruit or vegetable material outdoors on any public or private property for the purpose of feeding whitetail deer or enticing deer into any specific area of anyone's property in the Village of Elk Mound.
- (b) **Presumption.** There shall be a rebuttable presumption that either of the following acts are for the purpose of feeding whitetail deer:
 - (1) **Placement Height.** The placement of salt, mineral, grain, deer suckers, fruit or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon at the height of less than six (6) feet off the ground.
 - (2) **Placement Quantity.** The placement of salt, mineral, grain, deer suckers, fruit or vegetable material in an aggregate quantity of greater than one-half (1/2) gallon in a

drop feeder, automatic feeder or similar device regardless of the height of the salt, mineral, grain, fruit or vegetable material.

- (c) **Exceptions.** This Section shall not apply to the following situations:
- (1) **Hunting.** The placement of bait for the purpose of hunting whitetail deer subject to all other laws, ordinances, rules and regulations governing hunting and the discharge of hunting weapons in the State of Wisconsin.
 - (2) **Naturally Growing Materials.** Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, gardens and other vegetable materials maintained as a mulch pile.
 - (3) **Bird Feeders.** Unmodified commercially purchased bird feeders or their equivalent.
 - (4) **Authorized by the Village Board.** Deer feeding may be authorized on a temporary basis by the Village Board for a specific public purpose as determined by the Village Board.
 - (5) **Counting.** Deer feeding may be authorized on a temporary basis by the Village Board for the purpose of determining the deer population.

Sec. 7-1-27 Dognapping, Catnapping or Petnapping.

No person may take the dog, cat or other domestic pet of another from one place to another without the owner's consent or cause that such animal be confined or carried out of the Village or held for any purpose without the owner's consent. This Section does not apply to law enforcement, animal control officers or humane society agents engaged in the exercise of their official duties, or as otherwise permitted by this Chapter.

Sec. 7-1-28 Vehicle Accidents.

The operator of any vehicle involved in an accident resulting in injury to or death of a dog, cat or other animal which appears to be a pet shall immediately notify the Police Department or an animal control agency whose jurisdiction extends into the Village of Elk Mound.

Sec. 7-1-29 Penalties.

- (a) **Penalties for Violations Under This Chapter.** Any person violating any Section of this Chapter, except Sections 7-1-7 and 7-1-11 (which have specific penalty provisions therein), shall be subject to a forfeiture of not less than Fifty (\$50.00) Dollars and not more than Two Hundred Dollars (\$200.00) for the first offense and not less than One Hundred Dollars (\$100.00) and not more than Four Hundred Dollars (\$400.00) for any subsequent offenses.

Violators of other Sections of this Chapter shall be subject to the penalty provisions of Section 1-1-6.

- (b) **Failure to Comply with Rabies Quarantine.** An owner who refuses to comply with an order issued under Section 7-1-5 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 fined not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) or imprisoned not more than sixty (60) days or both.
- (c) **Miscellaneous.** 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 of Elk Mound by Village-authorized officials in the event the owner or keeper of the animal fails to remove the animal from the Village of Elk Mound. 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. 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.

