

**VILLAGE OF BLOOMINGTON
ORDINANCE NO. 2024-02**

AN ORDINANCE TO AMEND CHAPTER IX (NINE) ENTITLED "LICENSES AND PERMITS" TO AMEND SECTION 9.08 ENTITLED "DOGS AND OTHER ANIMALS", OF THE VILLAGE OF BLOOMINGTON MUNICIPAL CODE.

NOW, THEREFORE, the Village Board of the Village of Bloomington, Grant County, Wisconsin, does ordain as follows:

Section I: Chapter IX (Nine) entitled "Licenses and Permits", to amend Section 9.08 entitled "Dogs and Other Animals" of the Village of Bloomington Municipal Code shall be and hereby is amended as follows:

9.08 DOGS AND OTHER ANIMALS

(1) **DEFINITIONS.**

- (a) **Owner.** Any person owning, harboring or keeping any animal, livestock or fowl. The occupants of any premises on which any animal, livestock or fowl remains or to which it customarily returns daily for a period of 10 days are presumed to be harboring or keeping any animal, livestock or fowl within the meaning of this section.
- (b) **Officer.** Any police officer and any Village employee, officer or agent appointed by the Village President and designated as Humane Officer. The Humane Officer shall be under the supervision of the Chief of Police. Any police officer or Humane Officer shall capture, disable, impound, kill or otherwise dispose of any animal, livestock or fowl prohibited under this section. Such animals shall be kept or disposed of in accord with Chapter 174, Wis. Stats., where applicable.
- (c) **At Large.** "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 within an automobile of its owner or in an automobile of any other person with the consent of the dog's owner shall be deemed to be upon the owner's premises.

(2) **LICENSE REQUIRED.**

- (a) The provisions of Chapter 174, Wis. Stats., pertaining to the licensing of dogs, are made a part of this section by reference.
- (b) The owner of a dog more than 5 months of age on January 1 of any year, or 5 months of age within the license year, shall annually, or on or before the date the dog becomes 5 months of age, pay the dog license fee and obtain a license. (Wis Stats §174.05)

- (c) The minimum dog license fee is \$5 for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed, and \$10 for an unneutered male dog or unspayed female dog, or one-half of these amounts if the dog became 5 months of age after July 1 of the license year. (Wis Stats §174.05) License fees for the Village of Bloomington shall be reviewed and established by the Village Board annually and, therefore, the fees listed in this subsection may be subject to change.

- (d) Upon payment of the fees set forth above and upon proof of current rabies vaccination for the dog the license is intended, the Village shall issue a dog license to the owner for a period of one year, or until the next succeeding December 31, whichever shall be less. The Owner shall also be given a tag indicating payment for said license, and the tag shall be affixed to the collar or harness of such dog.

- (e) Unlicensed Dogs. No unlicensed dog shall run at large, and any person may seize or impound such dog found at large. The fact that a dog is without a proper license tag attached to its collar or harness shall be presumptive evidence that is unlicensed. Any law officer, health officer, or other employee of the Village appointed with such authority, may enter upon the premises of the owner or keeper of any unlicensed dog to seize it, and if after request therefor, the owner, keeper or immediate member of the owner's or keeper's family of suitable age and discretion shall refuse to deliver the unlicensed dog to the officer or appointed official and the officer or official cannot with reasonable effort catch the unlicensed dog, the officer may tranquilize or kill it. The words "unlicensed dog" means a dog not licensed pursuant to the provisions of Chapter 174, Wis. Stats.

- (f) Penalties for unlicensed dogs. In the Village of Bloomington, the owner of a dog not licensed as required by law, shall be subject to the following penalties (per animal):
 - a. 1st offense – verbal warning
 - b. 2nd offense – written warning
 - c. 3rd offense – \$50 forfeiture plus court costs
 - d. 4th offense – \$100 forfeiture plus court costs
 - e. 5th offense – \$200 forfeiture plus court costs

Upon the issuance of each warning or citation, the officer will inform the owner of the dog the amount of time allowed to correct the violation before the next level of offense is issued. Any fines must be paid in the office of the Village Clerk during regular business hours. Penalty fees shall be reviewed and established by the Village Board annually and, therefore, the fines listed in this subsection may be subject to change. If the owner of the dog refuses to obtain license for dog, the animal may be seized as per the terms of the Unlicensed Dogs above (9.08(2)(e)).

(3) RESTRICTIONS

- (a) No person(s) shall harbor more than five (5) dogs over five (5) months of age per residence within the Village of Bloomington. Any person(s) in any residence who wish to have more than five (5) dogs over five (5) months of age will present to the Village Board a written request for a special license. Issuance or denial of the special license request shall be at the discretion of the Village Board. If approved, the license will be valid for a period of one year, or until the next succeeding December 31, whichever shall be less. Payment of application fees, as determined by the Village Board, will be required. Any person(s) who harbor more than five (5) dogs over five (5) months of age per residence within the Village of Bloomington may be subject to abatement proceedings.

(4) ANIMAL BEHAVIOR

- (a) The provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals, are hereby adopted and by this reference are incorporated herein as if set out in full.
- (b) No person shall own, harbor, or keep any dog, cat or other animal, livestock or fowl, or allow such to enter or remain within the Village which:
1. Habitually pursues any vehicle, bicycle or pedestrian upon any public street, alley, highway or sidewalk in the Village.
 2. While within the Village, assaults, attacks, or inflicts a bite to a human being or injures, kills, or physically attacks a domesticated animal on either public or private property, or has a propensity, tendency or disposition to attack a human being or a domesticated animal, in a manner which may cause death or injury or otherwise endanger the safety of a human being or domesticated animal. The provisions of this subsection paragraph shall not be applicable under circumstances where the bite, injury or attack was sustained by a person committing or attempting to commit a criminal violation upon a premise occupied by the owner of the animal, was abusing the animal, who was committing an unjustified physical attack or assault upon the owner or keeper of the animal, or law enforcement canines in performance of their duties.
 3. Runs at large within the limits of the Village. Any such animal shall be deemed to be running at large when it is on or within any of the public streets, alleys, parks or other public grounds of the village, or any other premises in the Village other than on or within the premises or vehicle of its owner or keeper, or a member of the owner's or keeper's family of suitable age and discretion.

4. Habitually barks, howls, yelps, growls, or meows or in any manner creates a continuous or intermittent noise or disturbance such as to offend the peace and quiet of three (3) or more persons of ordinary sensibility in the neighborhood or passing the premises on the sidewalk or street or which disturbs the peace by loud noises at any time of the day or night.
5. Damages public park facilities or any other public facilities or interferes with park users.
6. While within the Village, habitually defaces, injures or damages the property of any person, or discharges excrement upon any public or private property other than the property of the owner or keeper, unless such owner or keeper immediately thereafter removes and cleans up such animal's excrement.
7. Is known to be infected with rabies or to have been bitten by an animal known to have been infected with rabies;
8. Any dog or other animal owned or harbored primarily or in part for the purpose of fighting, or any dog trained for dog fighting.

(5) SANITATION REQUIRED

Any such animal, livestock or fowl, or any animal described under sub. (4), is hereby declared a nuisance. No person shall cause or allow any stable, pen, dog run or other place where any animal, livestock or fowl is or may be kept by such person in the Village to become unclean or unwholesome.

(6) CRUELTY PROHIBITED

- (a) No person shall cruelly treat any animal in the Village in any way. Any person who inhumanely beats, underfeeds, overloads, or abandons any animal shall be in violation of this section.
- (b) The provisions of Chapter 951, Wis. Stats., pertaining to Cruelty to Animals, are made a part of this section by reference.

(7) ANIMALS INFECTED WITH RABIES

- (a) The provisions of Wis. Stats. 95.21, Rabies Control Program, are hereby adopted and by this reference are incorporated herein as if set out in full.
- (b) The provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals, are hereby adopted and by this reference are incorporated herein as if set out in full.

- (c) Any police, health or humane officer of the Village may kill or impound any animal which the officer believes, from the appearance or conduct of such animal, to be infected with rabies.
 - (d) Any person who shall suspect that any animal is infected with rabies shall immediately report their suspicions to the police or health authorities, describing the animal and giving the name of the owner, if known. Any such animal shall, upon demand of any police, health or humane officer of the Village, be delivered to such officer. If upon examination by licensed veterinarian or health authority, the animal shall prove in fact to be infected with rabies, the animal may be killed by any such officer or a veterinarian.
 - (e) It shall be unlawful for any person knowingly to harbor or keep any animal infected with rabies or any animal known to have been bitten by an animal known to have been infected with rabies, or fail to report to the police or health authorities of the Village the existence of an animal known to be infected with rabies.
- (8) QUARANTINE FOR RABIES
- (a) The provisions of Wis. Stats. 95.21, Rabies Control Program as pertains to the quarantine or sacrifice of an animal, and the provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals, are hereby adopted and by this reference are incorporated herein as if set out in full.
 - (b) During the time that this Village, or any part thereof, shall be quarantined for rabies pursuant to the provisions of Wis. Stats. 95.21, or any other lawful provision, all dogs within the district so quarantined shall be kept securely confined or tied, or leashed or muzzled. Any dog not so kept is declared to be a public nuisance and shall be impounded by any police officer or other person. Upon the impounding of such dog, notice thereof shall be given. Possession of such dog may be obtained and such dog may be killed and report thereof made in the manner provided.
- (9) ANIMALS BITING PERSONS.
- (a) The provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals are hereby adopted and by this reference are incorporated herein as if set out in full.
 - (b) Every owner or keeper of a dog or other animal and every other person who knows that an animal has bitten any person shall immediately in writing report such fact to a police officer, health officer, or humane officer of the Village, and such owner or keeper shall immediately confine the animal for at least 14 days thereafter, and shall not release such animal except with the written approval of the health officer. Any such animal shall be surrendered to the police, health officer or humane officer upon demand.

(10) RECOVERY OF IMPOUNDED ANIMAL.

- (a) Any dog or animal which has been seized, impounded or quarantined may be obtained by payment of the following fees. Payment of all fees shall be paid to the Village Clerk and upon display of such receipt to the officer in charge, the animal shall be released.
1. A license fee if not already paid.
 2. \$10.00 fee plus \$5.00 for each day or fraction thereof during the period of such impoundment.
 3. The payment of any expenses incurred in connection with keeping the animal in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination and a fee for the laboratory examination.
- (b) No dog or animal shall be released until the owner thereof shall have exhibited to the person in charge of such place of impoundment or pound a receipt from the Village Clerk showing that a license for such dog has been issued for the current year if such dog is more than six (6) months of age. No animal, livestock or fowl shall be released until the owner or keeper thereof shall have exhibited to the Village Clerk showing that the applicable costs have been paid.
- (c) In the event the owner of the animal is found but refuses to accept the return of the animal, the pickup and impoundment fees, plus the costs of destroying the animal, will be collected as a debt to the owner. Upon written notice of the charges, such costs shall be assessed against the owner's real estate as a special charge.

(11) OWNER'S LIABILITY

- (a) The provisions of Chapter 174, Wis. Stats. pertaining to the owner's liability for damage caused by dogs, and the provisions of Grant County Code Chapter 88, Article I, pertaining to Vicious Dogs or Other Animals, are made a part of this section by reference.
- (b) The owner of a dog is liable for the full amount of damages caused by the dog injuring or causing injury to a person, domestic animal or property. (Wis. Stats 174.02(1))

(signatures on following page)

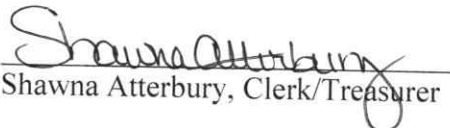
Section II: This Ordinance shall take effect upon its passage and publication or posting as required by law.

Adopted and approved this date of February 5, 2024, by the Village Board of the Village of Bloomington, Grant County, Wisconsin.

VILLAGE OF BLOOMINGTON by:


Robert McLimans, President

ATTEST: I, Shawna Atterbury, Village Clerk-Treasurer, do hereby certify that the amendment to Chapter IX (Nine) entitled "Licenses and Permits", to amend Section 9.08 entitled "Dogs and Other Animals" of the Village of Bloomington Municipal Code has been approved by the Village Board of the Village of Bloomington, Grant County, Wisconsin, at a meeting held on February 5, 2024.


Shawna Atterbury, Clerk/Treasurer

Date Adopted: February 5, 2024

Effective Date: February 5, 2024

