

ORDINANCE NO. 2020-003

AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 16  
OF THE CODE OF ORDINANCES OF THE TOWN OF WHEATLAND  
RELATING TO ANIMALS AND KENNELS

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The Town Board of Supervisors of the Town of Wheatland, Kenosha County, Wisconsin, hereby repeals and recreates Chapter 16 of the Code of Ordinances of the Town of Wheatland relating to animals and kennels to read as follows:

SECTION 16.00 Provisions of State Law Adopted by Reference. Except as otherwise specifically provided in this chapter, the statutory provisions hereinafter set forth describing and defining regulations pertaining to animals, exclusive of any regulations for which the statutory penalty is a term of imprisonment and exclusive of provisions setting the dollar amounts of penalties, are hereby adopted and by reference made a part of this chapter as though fully set forth herein.

SECTION 16.01 Definitions. For the purpose of this Chapter, the following definitions shall apply in the interpretation and enforcement of this Chapter.

- (a) Animal. The term "animal" shall apply to any living thing that is not human or a plant, and generally capable of voluntary motion or sensation.
- (b) Bitten. The term "bitten" shall mean seizure of any portion of a human being or another animal's anatomy by the teeth or jaws of an animal or contact of saliva from an animal with any break or abrasion of the skin of another animal or person.
- (c) Cat. The term "cat" shall apply to any feline animal, male or female, sexed or neutered.
- (d) Dog. The term "dog" shall apply to any canine animal, male or female, sexed or neutered.
- (e) Own. The term "own", unless otherwise specified, shall be deemed to mean keep, harbor, or have control, charge or custody of an animal, or permit to be kept, harbored or fed upon or within premises owned, leased, rented or occupied by a person and does not require actual legal title or right to the animal.
- (f) Owner. The term "owner" shall mean any person keeping, harboring or having charge or control of, or permitting any animal to habitually be or remain on, or be lodged or fed within buildings or land owned, leased, used or occupied by such person, irrespective of

whether such person has legal title or claim to the animal. This term shall not apply to veterinarians or kennel operators temporarily maintaining on their premises animals owned by others.

(g) Person. The term "person" shall mean any natural person, partnership or corporation.

(h) Scratched. The term "scratched" shall mean the scraping or clawing of any portion of another animal or a human being's anatomy by an animal.

(i) Veterinarian. The term "veterinarian" shall mean a natural person duly licensed to practice veterinary medicine in the State of Wisconsin and possessing a doctor's degree in veterinary medicine.

#### SECTION 16.02 Dogs.

(a) Dog License Tax. Every person who owns, harbors or keeps a dog within the limits of the Town of Wheatland, which is more than five (5) months of age on January 1 of any year or which becomes five (5) months of age within the license year, shall annually, or on or before the date the dog becomes five (5) months of age, pay to the Treasurer his/her dog license tax and obtain a license.

(b) Collar Tag. Following issuance of a license, the Treasurer shall deliver to the owner a tag bearing the same serial number as designated on the license, the name of the County in which license was issued, and the license year. The owner shall securely attach the tag to a collar which shall be kept on the licensed dog at all times. This requirement to wear a tag and collar does not apply to a dog during competition or training, a dog securely confined indoors, or to a dog while hunting.

(c) Fee. Effective July 31, 2019, the dog license tax shall be in an amount as established by the Town Board from time to time for a neutered male dog or spayed female dog, upon presentation of evidence that the dog is neutered or spayed and for an unneutered male dog or unsplayed female dog, or one-half (1/2) of those amounts if the dog became five (5) months of age after August 1 of the license year. The current fee schedule shall be available in the office of the Town Clerk and on the Town website.

(d) Late Fee. A late fee of Ten (\$10.00) Dollars shall be paid to the Treasurer by every owner of a dog five (5) months of age or over, if the owner failed to obtain a license prior to August 1st of each year, or within thirty (30) days of acquiring ownership of a licensable dog or if the owner failed to obtain a license on or before the dog reached licensable age.

(e) Nuisance. No person shall keep or harbor within the Town any dog which by loud or frequent or habitual barking, yelping, or howling shall cause serious annoyance to the

neighborhood or to persons passing to and from upon the streets. No owner or a person harboring a fierce or vicious dog shall suffer the same to run at large at any time within the Town.

(f) Run at Large. It shall be unlawful for any person owning or possessing any dog or cat to permit it to run at large. "Run at Large" shall mean the presence of an animal which is not on a secured leash of six (6) feet or less on any public property or thoroughfare or on any private property without the permission of the property owner or occupier. Dogs and cats which are not leashed in vehicles are not deemed to "run at large" if they are secured in a manner as will prevent their escape therefrom. This requirement does not apply to dogs utilized for law enforcement purposes.

(g) Impounding. Whenever a Town Humane Agent or any law enforcement officer shall find any dog or cat running at large as defined, he/she shall, if possible, pick up and impound such animal in such place as the Town Board may direct; provided, however, that if any such dog or cat is fierce or dangerous, it may be disposed of forthwith. Whenever the owner of any impounded animal shall be identifiable through a collar or license tag, the owner shall be notified by the impoundment facility.

Any animal impounded shall be held for a period of seven (7) days to permit the owner to reclaim it. At the end of such period, the animal may be disposed of in the manner as provided by Wisconsin Statutes.

**SECTION 16.03**      Limitation on Number of Dogs and Cats per Residentially Zoned Premises.

(a) Purpose. The owning, harboring and keeping by any person(s) of a large number of dogs, cats or combination thereof within a residentially zoned premises within the Town for an extended period of time, detracts from the quality of life within the entire residential district due to various noise, odor, health and safety problems which constitute a public nuisance. The Town Board of the Town of Wheatland, Wisconsin, has deemed it necessary to abate such public nuisance by the creation of the following limitation. For purposes of this Ordinance, a residential premises is a lot or lots contiguous to one or more lots which have common ownership shall collectively be considered a "residentially zoned premises" subject to the limitations of subsection (b) below.

(b) Limitation. No person may own, harbor or keep in their possession, within the Town, more than a combined total of three (3) dogs and cats over the age of five (5) months on a residentially zoned premises.

**SECTION 16.04**      Maintenance of Sanitary Conditions. Any premises, whether indoors or outdoors, upon which any animal is harbored, shall be maintained in a sanitary condition, and all animal feces must be removed and sanitarily disposed of within twenty-four (24) hours.

SECTION 16.05      Kennels and Pet Shops.

(a)      Definitions. The following definitions shall apply to the terms and words used in this Chapter:

(1)      Kennels means and includes:

(a)      Commercial Kennels. A for profit business establishment engaged in offering boarding, training and/or breeding services and/or the sale of dogs and/or cats, with the exclusion of veterinary hospitals. Commercial kennels shall include the boarding of dogs for racing purposes.

(b)      Humane Societies. An impoundment facility under §174.046, Wisconsin Statutes.

(2)      Pet animal means any domesticated or wild animal, including dogs, cats, birds, small rodents or small nonpoisonous reptiles, which is fed, watered, harbored or allowed, by Town Ordinances, to be or remain in the Town, excluding:

(a)      Any hooved animal.

(b)      Any animal in a zoo, exhibition or fair authorized by Town Ordinances.

(c)      Any animal which is held for use in bona fide scientific research.

(3)      Pet shop means a retail or wholesale business offering for sale pet animals, excluding commercial kennels.

(4)      Enclosure(s) means a separate enclosure or cage which segregates one animal from another animal or animals.

(5)      Veterinary hospital means any establishment in which the practice of veterinary medicine is the primary business.

(b)      License Required/Fee. It is unlawful for any person, party, firm or corporation to operate, keep or maintain within the Town limits a kennel or pet shop without first having obtained a license from the Town Board and being in compliance with all provisions of this Ordinance. License applications shall be reviewed, by the Town Board and must be in compliance with the provisions of Kenosha County General Zoning/Floodplain Zoning

Ordinances. The Treasurer shall issue licenses which have been granted by the Town Board. The fee for a license issued hereunder or renewal thereof shall be in an amount as established by the Town Board from time to time per calendar year or fraction thereof.

(c) License/Application.

(1) Any applicant for a license or renewal thereof under this Ordinance shall file with the Treasurer a fully executed application on a form prescribed by the Treasurer, accompanied by the annual license fee. The application shall state the maximum number of dogs and/or cats sought to be permitted upon the licensed premises.

(2) No licenses or renewal thereof shall issue hereunder until:

(a) There has been an inspection by the Town Building Inspector of the premises being licensed and a determination by said Building Inspector that all requirements of this Ordinance, and other applicable General and Zoning Ordinances, have been met.

(b) There is an adequate means of restraining animals from running at large or disturbing the peace.

(c) The proposed facilities are located in an appropriate zone under the Kenosha County Zoning Ordinance and are the subject of an Occupancy Permit, as verified by the Building Inspector.

(d) The proposed facilities are in compliance with the Building Code and Fire Code, as verified by authorized by the Building Inspector.

(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 1<sup>st</sup> day of August. 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 displayed in a manner and at a location so as to be readily visible by the public.

(5) The Town Board shall license the premises only for such number of dogs and/or cats as the premises to be licensed will reasonably accommodate based upon inspection reports.

(d) License and Rabies Tags. Upon issuing a license hereunder, the Treasurer shall issue a number of tags equal to the number of dogs and/or cats authorized to be kept on the licensed premises. License tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year. The licensee shall, at all times, keep one of such tags, plus a Rabies Tag obtained from a veterinarian, attached to the collar of each dog or cat over five (5) months old kept on the licensed premises. This requirement to wear a tag and collar does not apply to a dog during competition or training, a dog securely confined indoors, to a dog while hunting, or to a dog securely confined in a fenced area. License tags may be transferred from one dog or cat to another. No dog or cat bearing any such license tag shall be permitted to stray or to be taken anywhere outside the limits of the licensed premises unless it is in leash, except where temporarily unleashed for the purposes of hunting, breeding, trial or show. Humane Societies shall follow the provisions of §174.046, Wisconsin Statutes.

(e) Records. The Treasurer shall make a duplicate list of the names of licensees and the number of dogs kept upon each licensed premises and shall deliver one (1) copy of said list to the County Clerk, retaining the other copy for his/her files.

(f) Chapter 174, Wisconsin Statutes. Unless clearly inapplicable, all the provisions of Chapter 174, Wisconsin Statutes, relating to the individual dog license tax, license and tag, shall apply to license tags issued hereunder.

(g) Other Licenses and Permits. The issuance of a license hereunder does not exempt licensee from obtaining and complying with all other applicable State and Town licenses and permits, including required Zoning Permits. Licensees who engage in commercial pesticide application must be licensed, certified and at all times maintain compliance with §94.704 and §94.705, Wisconsin Statutes, and §Ag 29.11 of the Wisconsin Administrative Code.

(h) General Facility Standards. All licensed premises shall provide the following:

(1) Water and food. Adequate and potable water shall be available at all times to pet animals. Watering and feeding receptacles shall be cleaned at least once daily.

(2) Storage. Supplies of food and bedding shall be stored and adequately protected against infestation or contamination by vermin. Refrigeration shall be provided for perishable food.

(3) Waste Disposal. Provisions shall be made for the removal and disposal of animal and food wastes, bedding, dead animals and debris. Disposal facilities shall also be provided and operated as to minimize vermin infestation, odors and disease hazards.

(4) Washrooms and Sinks. Facilities such as washrooms, basins or sinks shall be provided to maintain cleanliness among caretakers.

(5) Communicable Diseases. Pet animals with potential communicable diseases shall be housed in separate rooms from healthy, boarding animals. Pet animals which have a communicable disease shall not be sold or provided for adoption until receiving a clean bill of health from a veterinarian.

(6) Vicious Animals. Vicious animals, as defined in these Ordinances, shall not be kept on licensed premises.

(i) Indoor Facility Standards. In addition to the requirements of subsection (h), indoor facilities licensed hereunder shall provide the following:

(1) Ventilation. Indoor housing for pet animals shall be adequately ventilated to provide for health and comfort of said animals at all times. They shall be provided with fresh air, either by means of windows, doors, vents or air conditioning. Ventilation shall minimize drafts, odors and moisture condensation. Auxiliary ventilation such as exhaust fans and vents or air conditioning shall be provided when the ambient temperature is eighty-five (85°) degrees Fahrenheit or higher, except where the ambient temperature requirements of the specific requirements of the specific species differs.

(2) Lighting. Indoor housing for pet animals shall have ample artificial light which is of good quality and is well-distributed. Such lighting shall provide uniformly distributed illumination of sufficient intensity to permit routine inspection and cleaning during the entire working period.

(3) Interior Surfaces. The interior building surfaces of indoor housing facilities for pet animals shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned.

(4) Drainage. A suitable method shall be provided to rapidly eliminate excess water from indoor housing facilities. If drains are used, they shall be properly constructed and kept in good repair to avoid foul odors therefrom. If closed drainage systems are used, they shall be equipped with traps and so installed as to prevent any backup of sewage and odors.

(5) Dogs Five (5) Months or Older. Dogs five (5) months or older which are housed longer than a twenty-four (24) hour period shall be provided with adequate, separate, cleanable enclosures and shall be permitted exercise periods at least twice each day for a minimum of five (5) minutes each period, unless an exercise run is provided. An exercise

run must have an area of twenty (20) square feet for a dog of thirty (30) pounds or less, and a minimum of thirty-six (36) square feet for a dog over thirty (30) pounds in weight.

Subsection (3) shall not apply to non-commercial kennels.

(j) Outdoor Facility Standards. In addition to the standards required under subsection (h), outdoor facilities licensed hereunder shall provide the following:

(1) Shelter from sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all pet animals kept outdoors to protect themselves from the direct rays of the sun.

(2) Shelter from rain or snow. Pet animals kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow.

(3) Shelter from cold winter. Shelter shall be provided for all pet animals kept outdoors when the atmospheric temperature falls below fifty (50°) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient temperature fall below that temperature to which any such animal is acclimated.

(4) Drainage. A suitable method shall be provided to rapidly eliminate excess water.

(5) Dogs five (5) months or older. Dogs five (5) months or older which are housed longer than a twenty-four (24) hour period shall be provided with adequate, separate, cleanable enclosures and shall be permitted exercise periods at least twice each day for a minimum of five (5) minutes each period, unless an exercise run is provided. An exercise run must have an area of twenty (20) square feet for a dog of thirty (30) pounds or less, and a minimum of thirty-six (36) square feet for a dog over thirty (30) pounds in weight.

(6) Individual enclosures. Individual enclosures shall not be required for noncommercial kennels.

(k) Enclosures. Enclosures shall:

(1) Not be required for noncommercial kennels.

(2) Be structurally sound and maintained in good repair to protect the pet animals from injury, to contain them, and to keep predators out. They



shall be constructed of a material that is easily cleanable and maintained so as to enable the pet animals to remain dry and clean and provide convenient access to clean food and water.

(3) Be constructed and maintained so as to provide sufficient space to allow each pet animal to turn about freely and to easily stand, sit and lie in a comfortable, natural position.

(4) Be used for housing not more than one (1) pet animal unless requested by the owners of each pet animal housed therein.

(5) Subsections (3) and (4) above shall not apply to pet animals being housed for medical or grooming purposes, or for less than seventy-two (72) hours.

(l) Sanitation/Cleaning of Enclosures.

(1) Excreta shall be removed from enclosures as often as necessary to prevent contamination of the pet animals contained therein and to reduce disease, hazards and odors. When a hosing or flushing method is used for cleaning and enclosure, the pet animals shall be removed during the cleaning process and adequate measures shall be taken to protect the pet animals in other enclosures from being contaminated with water and other wastes.

(2) Enclosures, rooms, hard-surfaced pens and runs shall be cleaned by washing all soiled surfaces with a safe and effective disinfectant.

(3) Pens and runs shall be constructed of concrete, asphalt or impervious material, or other material approved by the Building Inspector.

(4) An effective program for the control of insects, ectoparasites, avian and mammalian pests shall be established and maintained where a problem.

(m) Feeding.

(1) Pet animals which are housed for more than twenty-four (24) hours shall be fed 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 each pet animal.

(2) Food receptacles shall be accessible to the pet 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.

(n) Enforcement.

(1) Any person, party, firm, or corporation who violates any of the provisions of this Ordinance, or shall hinder, impede or obstruct an enforcing officer in the performance of his/her duty of enforcement shall, upon conviction thereof, forfeit not more than Three Hundred (\$300.00) Dollars, plus the cost of prosecution.

(2) The Town Constable shall be responsible for the enforcement of this Ordinance, and shall have the authority and duty to enter any licensed premises during regular business hours to inspect the same, with respect to businesses open at least forty (40) hours per week. In the absence of regular business hours, inspections shall be made at any reasonable hour. In the event of an emergency, an inspection may be made at any time.

(3) The provisions of this Ordinance which are enforceable against a licensee shall be equally enforceable against a non-licensee who is required to be licensed hereunder.

(o) Suspension, Revocation or Denial of Renewal of License.

(1) The Town Board shall have the right to suspend or revoke any license once granted or deny annual renewal thereof when it appears that any operator or licensee has violated any of the provisions of this Ordinance, or any Ordinance of the Town, or law, rule or regulation of the State of Wisconsin or the United States, involving cruelty or mistreatment of pet or other animals, or the unlawful possession of any 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 Treasurer. Such notice shall state that the applicant or licensee may request a hearing on such decision by the Town Board within ten (10) days of receiving the notice.

(2) Should the applicant or licensee request a hearing within such ten (10) day period, the applicant or licensee shall be notified in writing by the Treasurer of the time and place of the hearing, and the license shall remain in effect until the Town Board determines that grounds exist for such action.

(3) Disciplinary hearings, including nonrenewal, suspension and revocation hearings, shall be held before the Town Board.

SECTION 16.06 Keeping of Fowl on Residential Parcels.

(a) Definitions. The following definitions shall be applicable in this section:

(1) Poultry. Includes the following types of poultry and fowl: chickens, ducks, pigeons, doves, pheasant and quail. Other poultry types are specifically addressed in this section.

(2) Poultry 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 the section, including required distances to property lines and neighboring residences.

(3) Poultry Pen/Run. An outdoor fenced area for poultry grazing and exercise use associated with a poultry coop structure. Also known as a “run”.

(b) Where Permitted. Poultry may be raised on the following residential zoned lands, as defined in the Kenosha County Zoning Code, in accordance with the regulations prescribed in this section (all lot sizes are minimum sizes):

(1) R-1. Rural Residential District (5 acre lots).

(2) R-2. Suburban Single-Family Residential District (approximately 1 acre or 40,000 sq. ft. lots).

(3) R-3. Urban Single-Family Residential District (approximately .459 acre or 20,000 sq. ft. lots).

(4) R-4. Urban Single-Family Residential District (approximately .344 acre or 15,000 sq. ft. lots).

(5) R-5. Urban Single-Family Residential District (approximately .23 acre or 10,000 sq. ft. lots).

(c) Restrictive Covenants. As the Town does not enforce private covenants for subdivisions, it is the responsibility of the permittee to investigate and follow any covenants on the keeping of poultry within that subdivision.

(d) Permit Required: Application Requirements. No poultry may be kept in the Town of Wheatland on parcels with a residential zoning classification except pursuant to a permit obtained from the Town Clerk 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) Site Plan. The applicant shall provide a site plan showing the location and dimensions of the proposed poultry coop and any associated pen/run, and the distance of the coop and pen/run from all lot lines and principal structures located on adjacent lots.

(2) Fee. The applicant will make payment of an initial permit fee of Eighty (\$80.00) Dollars and an annual renewal fee of Thirty (\$30.00) Dollars to the Town of Wheatland. The fees referred to in this and other sections of the ordinances shall be established by the Town Board and may from time to time be modified. A schedule of the fees established by the Town Board shall be available for review in the office of the Town Clerk and/or the Town website.

(3) Inspection Consent. Application and issuance of a permit under this section constitutes consent by the applicant to the Town Board 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.

(4) Permit Issuance: Appeals.

(a) Permits will be issued by the Town Clerk 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 Town will provide the reasons for such denial.

(b) Any person aggrieved by the granting or denial of a permit may have such grant or denial reviewed by the town Board by filing a written request for review with the Town Clerk no later than ten (10) days after the mailing date of the notice of grant or denial.

(5) Citizen Complaints. A citizen may file a written complaint for consideration by Wheatland enforcement officials. Upon review, a revocation action may be initiated.

(6) Revocation Procedures.

(a) The Town Board 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 for the reasons for the revocation and a notice of the permittee's appeal right as provided in this subsection. The Town Clerk shall also provide a copy of the notice to any person who 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.

(7) 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 town board by filing a written request for review with the Town Clerk no later than ten (10) days after the mailing date of the notice of action.

(e) Poultry Coop Standards. A coop shall be provided and shall be designed to provide safe and healthy living conditions for the poultry while minimizing adverse impacts to other residents in the neighborhood. Poultry 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 forty (40) feet to a lot line or other occupied structure other than that of the owner and may not be located in the street yard. On lot sizes less than R-2, written approval will be required from neighbor's abutting property. Said approval will be required annually, is not transferable and is revocable. Coop height shall not exceed that allowable in the pertinent zoning district for accessory structures.

(2) Space Per Poultry. Each mature poultry 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 four (4) mature poultry 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 be sided, be enclosed on all sides, have at least one (1) door, and be of a design that is secure from predators. Access doors must be able to be closed and secured to prevent the escape of poultry and the entry of predators. A coop with attached pen, may be of a moveable design to facilitate grazing provided such structure meets the standards of this section.

(6) Windows, Ventilation. The coop shall contain adequate venting for proper ventilation and at least one (1) window for proper light. Windows and vents shall be covered with bird and predator proof wire of less than one (1) inch openings.

(7) Poultry Pen/Run Access. The coop must provide access to the poultry pen/run.

(f) Poultry Pen/Runs. Poultry shall at all times be provided with an outdoor fenced area (“pen/run”) that meets the criteria set forth below:

(1) Location. The poultry pen/run must be no closer than forty (40) feet to a lot line. A poultry pen/run may not be located in the street yard.

(2) Space Per Poultry. Each mature poultry shall have a minimum of six (6) square feet of ground space with a poultry pen/run.

(3) Poultry Pen/Run Fencing. Perimeter fencing for poultry pen/run shall be a minimum of five (5) feet tall unless a solid roof, aviary netting with one (1) inch mesh size or less or wire fencing is installed as a “roof” to prevent entry of predators.

(g) Miscellaneous Requirements.

(1) Number Limits, Poultry Species. Roosters will not be allowed. The maximum number of poultry which may be kept on a residential zoned parcel is as follows:

(a) R-1 Lots (5 acres). Twelve (12) poultry per acre up to a maximum of sixty (60) chickens, geese and turkeys on conforming lots.

(b) R-2 Lots (.918 acre). No more than twelve (12) poultry.

(c) R-3 Lots (.459 acre). No more than six (6) poultry.

(d) R-4 Lots (.344 acre). No more than five (5) poultry.

(e) R-5 Lots (.23 acre). No more than four (4) poultry.

(2) Food and Water. Poultry shall be provided with access to clean water and food at all times.

(3) Confinement. Poultry shall be kept confined in a coop or pen/run at all times from sunset to sunrise. During daylight hours, poultry may be allowed in a securely fenced area.

(h) Sanitary Standards: Waste Storage and Removal.

(1) The coop shall be cleaned daily. Provisions shall be made for the storage and removal of poultry manure and other waste generated. Stored manure shall be contained within a fully enclosed building or in a predator proof container with a secure lid. Manure not used for fertilizing or composting shall regularly be removed from the site.

(2) All feed shall be stored in a vermin proof container with a secure lid. Spoiled feed shall be removed in a timely manner.

(3) 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.

(4) Mobile poultry coops or pens shall be moved daily to prevent excessive manure or pathogen accumulation. If a poultry dies, it shall be disposed of promptly in a sanitary matter.

(i) Noise and Odor Impacts.

(1) Noise from poultry shall not be persistent or be of such loudness at the property boundaries to disturb persons of reasonable sensitivity.

(2) Odors from poultry, poultry manure or other substances related to the keeping of poultry shall not be perceptible at the property boundaries.

(j) Slaughtering of Poultry. No slaughtering of poultry shall take place within public view.

(k) Restrictive Covenants. As the Town does not enforce private covenants for subdivisions, it is the responsibility of the permittee to investigate and follow any covenants on the keeping of poultry within that subdivision.

(l) Selling of Eggs. 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. Poultry may not be kept for any type of commercial purposes. It shall be unlawful for any person to keep live poultry within the Town on a residential zoned parcel for the purposes of sale or breeding, except in compliance with zoning regulations.

(m) Penalties.

(1) If the Zoning Administrator or other enforcement official determines that a violation of this article exists within the Town, a written notice of violation to be conspicuously posted on the real estate and to be served personally or by certified mail on permit holder. Said notice shall describe the violation and direct the holder to abate or remedy the violation within ten (10) days from the date of the notice.

(2) If the permit holder fails to remedy the violation following notice or if such permit holder has received a prior notice of violation, he or she shall be subject to the issuance of a municipal citation for such violation. The Town Board may revoke the permit of any permit holder violating the provisions of this article if such permit holder has been convicted of violating the provisions of this article within the prior twelve (12) month period.

(3) Any person aggrieved by the revocation or non-revocation of a permit may appeal such decisions and have action reviewed by the Town Board by filing a written request for review with the Town Clerk no later than ten (10) days after the mailing date of the notice of action.

SECTION 16.07 Dangerous Exotic Animals.

(a) No person shall keep, harbor, own or knowingly allow to be in or upon the person's premises any dangerous exotic animal including, but not limited to, any lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, Canada lynx, bobcat, jaguarundi, bear, hyena, wolf, coyote, any deadly, dangerous or venomous reptile or any other exotic animal.

(b) Any animal that is determined by an animal control officer to be a dangerous exotic animal shall be immediately impounded. Except for exigent circumstances, if the owner of the dangerous exotic animal does not consent to removal of the animal or if the owner of the property on which the animal is located does not consent to entry onto the property, the animal control officer shall enter the property and remove the animal only pursuant to a warrant issued by a judge. The dangerous exotic animal shall remain impounded until:



- (1) The owner satisfies an animal control officer that the animal will be kept in a lawful manner; or
- (2) The owner relinquishes ownership of the animal and the animal is either humanely destroyed or placed with a person who shall keep the animal in a lawful manner outside the Town of Wheatland; or
- (3) A person charged with a violation of this section has been found not guilty and the municipal judge orders the animal released; or
- (4) A court determines that the animal is not a dangerous exotic animal.

(c) The owner of the dangerous exotic animal shall pay the boarding fee and impoundment fee provided for in these Ordinances plus any additional cost incurred by the Town in feeding and caring for the animal. The owner shall be billed periodically by the Town for such fees and expenses. If the owner fails to pay such a bill within ten (10) days after it was mailed, ownership of the animal shall be deemed relinquished and, after the procedures of this section have been followed, the animal may either be humanely destroyed or placed with a person who shall keep the animal in a lawful manner. Bills for fees and costs under this section shall notify the animal owner that if the bill is not paid within ten (10) days, the animal will be destroyed or placed with some person who shall keep the animal in a lawful manner.

SECTION 16.08 Rabies Control.

(a) Definitions. For the purpose of this Section, the following definitions shall apply:

- (1) Animal. The term "Animal" shall mean dog or cat.
- (2) Rabies Control Authority. The term "Rabies Control Authority" shall mean the Health Department of the County of Kenosha, Wisconsin.
- (3) Vaccination Against Rabies. The term "Vaccination Against Rabies" shall mean the inoculation of an animal with a rabies vaccine licensed by the United States Department of Agriculture administered by a veterinarian.
- (4) Veterinarian. The term "Veterinarian" shall mean a practitioner of veterinary medicine who is duly licensed by the State of Wisconsin.

(b) Rabies Vaccination Required.

(1) Rabies Vaccination Required. The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian, or if a veterinarian is physically present at the location where the vaccine is administered, by a veterinary technician, at no later than five (5) months of age and revaccinated within one (1) year after the initial vaccination. If the owner obtains the dog or cat, or brings the dog or cat into the Town after the dog or cat has reached five (5) months of age, the owner shall have the dog or cat vaccinated against rabies within thirty (30) days after the dog or cat is obtained or brought into the Town, unless the dog or cat has been vaccinated as evidenced by a current Certificate of Rabies Vaccination from the State of Wisconsin or another state. The owner of a dog or cat shall have the dog or cat revaccinated against rabies by a veterinarian, or if a veterinarian is physically present at the location where the vaccine is administered, by a veterinary technician, before the date that the immunization expires as stated on the certificate of vaccination, or if no date is specified, within three (3) years after the previous vaccination.

(2) Exemption. The owner of a dog or cat may be exempt from the requirement to have the dog or cat vaccinated against rabies for a license year based on a letter from a veterinarian stating that vaccination is inadvisable because of a reaction to a previous vaccination, a physical condition, or a regimen of therapy that the dog or cat is undergoing. The owner shall provide a new letter for each year in which the owner seeks an exemption under this paragraph.

(c) Duties of Veterinarian.

(1) Issuance of Certificate of Rabies Vaccination. The person who administers the rabies vaccine under this Section shall complete and issue to the owner a Certificate of Rabies Vaccination bearing a serial number stating the owner's name and address, the name, sex, spayed or unspayed, neutered or unneutered, breed and color of the dog or cat, the date of vaccination, the type of rabies vaccine administered and the manufacturer's serial number, the date that the immunization expires as specified for that type of vaccine by the Center for Disease Control of the U.S. Department of Health and Human Services, and the city, village or town where the dog or cat is required to be licensed.

(2) Veterinarian Copies. The veterinarian shall keep a copy of each Certificate of Rabies Vaccination in a file maintained for this purpose until the date that the immunization expires or until the dog or cat is revaccinated, whichever occurs first.

(3) Rabies Control Copy. Upon request of the Rabies Control Authority, the veterinarian shall forward a copy of each Certificate of

Rabies Vaccination to the Rabies Control Authority within ten (10) days of the request.

(4) Rabies Vaccination Tag. After issuing the Certificate of Rabies Vaccination, the person who administers the vaccine under this Section shall deliver to the owner a rabies vaccination tag of durable material bearing the same serial number as the certificate, the year the vaccination was given and the name, address and telephone number of the supervising veterinarian.

(5) Tag To Be Attached. The owner shall attach the rabies vaccination tag or a substitute tag to a collar, and a collar with the tag attached shall be kept on the dog at all times, but this requirement does not apply to a dog during competition or training, to a dog while hunting, to a dog securely confined indoors, to a dog securely confined in a fenced area or to a dog while actively involved in herding or controlling livestock if the dog is under the control of its owner. The substitute tag shall be of a durable material and contain the same information as the rabies vaccination tag. The requirements of this Section do not apply to a dog which is not required to be vaccinated under (b)(2). No collar or harness shall be required for cats.

(6) Duplicate Tag. The person who administers the vaccine under Section (b)(1) may furnish a new rabies vaccination tag with a new serial number to an owner in place of the original tag upon presentation of the Certificate of Rabies Vaccination. The person who administers the vaccine under Section (b)(1) shall then indicate the new tag number on the certificate and keep a record in the file.

(d) Vaccination Cost. The cost of rabies vaccination shall be borne by the owner of the dog or cat.

(e) Exception of Vaccination Requirement - Transient Dog or Cats. The provisions of this Ordinance with respect to vaccination shall not apply to any dog or cat owned by a person temporarily remaining within the Town for less than thirty (30) days, or any dog or cat brought into the Town for field trial or show purposes, nor for hunting dogs in the State for less than thirty (30) days. Such dogs shall be kept under strict supervision of the owner. However, it shall be unlawful to bring any dog into the Town which does not comply with the animal health laws and import regulations of the State of Wisconsin, which are applicable to dogs.

(f) Duty Upon Animal Biting or Scratching a Natural Person.

- (1) Within three (3) days after being notified as provided above, the owner of an animal that has bitten or scratched any natural person, shall cause such animal to be examined by a veterinarian.
- (2) Notice, as used in this subsection (f), shall be complete either:
  - (a) Upon 1st class mailing of a notice; or,
  - (b) Upon actual delivery of a notice to the owner,
  - (c) By leaving a copy of the notice at the owner's usual place of abode within the State in the presence of some competent member of the family at least fourteen (14) years of age, who shall be informed of the contents thereof.

The notice herein shall be sufficient if it identifies: the animal, the name of the natural person bitten or scratched, the location at which the person was bitten or scratched, and the name of the owner of the animal. Notice by mail shall be complete upon deposit with the Post Office.

- (3) In not less than ten (10) nor more than twelve (12) days after the date the animal bit or scratched any natural person, the owner shall secure a release of the animal from a veterinarian; on a form approved and supplied by the Rabies Control Authority and delivered by the owner to the Rabies Control Authority in not less than ten (10) nor more than twelve (12) days after the date the animal bit or scratched any natural person.

- (4) The owner of the animal shall cause the animal to be confined in the custody and care of a veterinarian for such period of time, not to exceed ten (10) days, as is deemed necessary by the veterinarian to determine whether the animal is rabid if:

- (a) Pursuant to the examination, the veterinarian determines that the animal exhibits abnormal symptoms, signs or behavior; or,
- (b) If the animal was not vaccinated, the cost of such confinement shall be paid by the owner.

- (5) If pursuant to the examination in subsection (1) above, and subject to the conditions in subsection (4), above, the veterinarian determines that the animal may be released to the owner, the owner shall continuously confine the animal within the owner's house or a locked pen or building

completely inaccessible to children and from which the animal cannot escape, for a period of ten (10) days, commencing immediately after the bite or scratch.

(6) If the owner fails to comply with these Ordinances, the animal, or its carcass, shall be impounded by order of the Rabies Control Authority, for such period as shall be deemed necessary by the Rabies Control Authority, to determine whether or not the animal is rabid. After the animal has been impounded for such period as is necessary to determine whether or not the animal is rabid, the Rabies Control Authority, may cause such impounded animal to be returned to its owner. The return of the animal shall in no manner affect or diminish the liability of the owner for the costs of impounding and transporting the animal or relieve the owner of any duties or liabilities under this Chapter.

(7) The owner shall comply with all the requirements of this section each and every time an animal owned by him/her bites or scratches any natural person.

(8) In the event the Rabies Control Authority notifies the owner later than ten (10) days after the animal has scratched or bitten a natural person, the owner shall have the animal examined by a veterinarian within three (3) days of the notice. The veterinarian may also release the animal at the same time the veterinarian makes the initial examination. If the veterinarian determines that the animal is suspected of having rabies, the veterinarian shall confine the animal in the veterinarian's care for a period of not less than ten (10) days. The cost of such confinement shall be paid by the owner.

(9) The owner of an animal shall not be relieved from any duty under this Section by reason of the animal's disappearance or by the transfer of its custody to another.

(10) The owner shall not destroy or permit to be destroyed an animal that has bitten or scratched a natural person, unless it has been released, or with the prior written permission of the Rabies Control Authority, or fifteen (15) days have passed since the date of the last time the animal bit or scratched a natural person.

(g) Impoundment of Dogs Without a Valid Rabies Vaccination Tag.

(1) Any dog found off the owner's premises and not wearing a valid rabies vaccination tag shall be impounded. All impounded dogs shall be given proper care and maintenance.

(2) Notice of impoundment of all animals, including any significant marks of identification, shall be posted at the pound as public notification of impoundment. Any unvaccinated dog or cat may be reclaimed by its owners during the period of impoundment by payment of prescribed pound fees and complying with rabies vaccination requirement of this Ordinance within seventy-two (72) hours of release. Any vaccinated dog impounded because of lack of a rabies vaccination tag may be reclaimed by its owner by furnishing proof of rabies vaccination and payment of all impoundment fees prior to release.

SECTION 16.09      Enforcement of this Chapter and Certain State Statutes.

(a)      Statutes Incorporated By Reference. The following Wisconsin Statutes are incorporated herein by reference: Section 95.21, Chapter 173, Chapter 174, and Chapter 951.

(b)      Humane Officers; Appointment. The Town Board may appoint Town employees or independent contractors or officers or employees of an independent contractor as Humane Officers under Section 173.03, Wisconsin Statutes, to perform Animal Control Services for the Town.

(c)      Abatement of Violations Under Section 173.11, Wisconsin Statutes.

(1)      Issuance of Order. If a Humane Officer or law enforcement officer, after investigation, has reasonable grounds to believe that a violation of a Statute or Ordinance is occurring and the violation is causing or has the potential to cause injury to an animal, the Humane Officer or law enforcement officer may issue and serve an Order of Abatement directed to named persons. An official designated under subsection (3) below to hold a hearing may not participate in the decision to issue the order or in any activity leading to that decision.

(2)      Content of Order. An Abatement Order issued under subsection (1) above shall contain all of the following:

- (a)      The name and address of the person to whom directed.
- (b)      The statute or ordinance alleged to be violated.
- (c)      A prohibition on further violations.
- (d)      A description of measures necessary to correct the alleged violation.
- (e)      A description of the hearing and appeal provisions under subsections (3) and (4) below.

(3) Hearing. Any person named in an Abatement Order issued under subsection (1) above may, within the ten (10) day period following service of the order, request a hearing before the Chairperson of the Town by filing a request for hearing with the Town Clerk. The hearing shall be held within ten (10) days after the request is made, unless the requestor agrees to a later date. The hearing shall be informal in nature.

(4) Decision. Within ten (10) days after a hearing under subsection (3) above, the Chairperson of the Town who conducts the hearing shall affirm the order, modify and affirm the order, or withdraw the order.

(5) Appeal. Any person adversely affected by a decision under subsection (4) above may seek judicial review by commencing an action in Circuit Court within thirty (30) days after the day that the decision is issued.

SECTION 16.10 Penalty Provisions.

(a) Any person who shall violate any of the provisions of this Ordinance shall upon conviction of such violation forfeit not less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars together with the costs of prosecution and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the County Jail for Kenosha County, Wisconsin, for not more than thirty (30) days.

(b) Each violation and each day a violation continues or occurs shall constitute a separate offense. Nothing in this Ordinance shall preclude the Town of Wheatland, Kenosha County, Wisconsin, from maintaining any appropriate action to prevent or remove a violation of any provision of this Ordinance by injunction.

SECTION 16.11 Hobby Farm/Equestrian Estate Horsekeeping/Keeping of Large Animals.

(a) Intent and Purpose.

(1) This section shall be applicable for parcels in the Town of Wheatland zoned R-1 by the Kenosha County Zoning Ordinance at the time of Code of Ordinances adoption which are a minimum of five (5) acres in size.

(2) The Town of Wheatland is utilizing this section to regulate the keeping of horses and large animals for the owner's enjoyment on large residential parcels, while balancing that use with the right of neighbors to enjoy their property.

(b) Keeping Horses, Large Animals or Fowl on Non-Agricultural Parcels. No person shall keep, harbor, feed or breed any of the hereinafter defined large animal or poultry in any business, manufacturing or residentially zoned district except as provided in this chapter. (Note: References to horse keeping standards in the section shall also pertain to other large animals identified in this section).

(1) Animals shall be limited to horse, dairy cows, steer, donkey, sheep, goats, swine, llamas, alpaca, poultry and rabbits.

(2) The number of animals shall not exceed the animals permitted by 16.11-1.

**Table 16.11-1**

Animals	Number of Animals Allowed on				
	5 acres	6 acres	7 acres	8 acres	9 acres
Horses, Dairy Cows, Steers	3	4	5	6	7
Donkey	3	4	5	6	7
Llama, Swine	6	8	10	12	14
Goats, Sheep, Alpaca	6	8	10	12	14
Miniature Horse	6	8	10	12	14
Fowl	60	60	60	60	60
Rabbit	12	16	20	24	28

(c) Public Nuisance. The owner shall do all things necessary to prevent the keeping of said animals or fowl from becoming a public nuisance. No building permit for an animal or fowl shelter shall be granted unless the Building Inspector shall visit the premises and determine that the construction of such shelter is located on the owner’s premises, with sufficient setback from property lines, which may be greater than those set forth in the Kenosha County zoning ordinance to prevent such shelter from becoming a nuisance to neighbors.

(d) Exception. This section shall not apply to any lands in a district zoned agricultural.

**SECTION 16.12      Minors Keeping Animals for Authorized Projects.**

(a) Youth Husbandry Exemption. Subject to the restrictions contained in Section 16.06, geese, chickens, rabbits and turkeys may be kept, by each minor exhibiting in household not to exceed three (3) animals, on a temporary basis on a parcel less than two (2) acres in size and zoned in a residential district if such animals are kept and maintained for



purposes of exhibition at a state or county fair or as part of a supervised project sponsored by a public school, state or local government or nationally recognized youth organization (such as 4-H Club, Boy Scouts of America or Girl Scouts of America), provided such animal is kept in a manner and in a location which does not constitute a nuisance. Sheep, pigs or animals of similar size must be on R-1 lots, five (5) acres or more.

(b) Restrictive Covenants. As the Town does not enforce private covenants for subdivisions, it is the responsibility of the permittee to investigate and follow any covenants on the keeping of poultry within that subdivision.

(c) Permit Required. No animal may be kept in the Town of Wheatland on parcels with a residential zoning classification except pursuant to a permit obtained from the Town Clerk or Treasurer 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. Permit timeline will run from April 1 through September 12 of the current year.

(d) Site Plan. The applicant shall provide a site plan showing the location and dimensions of the proposed animal housing and any associated pen/run and the distance of the housing and pen/run from all lot lines and principal structures located on adjacent lots.

(e) Inspection Consent. Application and issuance of a permit under this section constitutes consent by the applicant to the Town of Wheatland 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. Inspection shall take place within forty-eight (48) hours of permit request.

Dated at Wheatland, Wisconsin, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

TOWN OF WHEATLAND

By: \_\_\_\_\_  
William Glembocki, Chairperson

Attest: \_\_\_\_\_  
Sheila M. Siegler, Clerk