

**ORDINANCE AMENDING SECTION \_\_\_\_\_ OF  
THE VILLAGE CODE OF THE VILLAGE OF EDEN  
REGARDING PET LICENSES AND RESTRAINT OF DOGS AND CATS**

The Village Board of the Village of Eden do ordain as follows:

Section \_\_\_\_\_ of the Village Code regarding restraint of dogs and cats is hereby amended to read as follows:

**SECTION \_\_\_\_\_ - PET LICENSES AND RESTRAINT OF DOGS AND CATS**

(1) Dog License Tax. Every person who owns, harbors or keeps a dog in the Village shall obtain a license according to the provisions of Wis. Stats. §174.05. The license fee shall be set from time to time by resolution of the Village Board.

(2) Cat License Tax. Every person who owns, harbors or keeps a cat in the Village, which cat is more than six months old on January 1st, of any year, shall obtain a license within 30 days of acquisition of the cat. The license fee shall be as set from time to time by resolution of the Board. A \$5.00 late payment shall be assessed to owners who fail to license their cat prior to April 1 or within 30 days of acquiring ownership. Proof of vaccination against rabies for each cat shall be provided to the Village for any cat 4 months of age or older.

(3) Exceptions.

- (a) No license or permit shall be required of any humane society, municipal animal control facility or any animal temporarily housed at a veterinary clinic.
- (b) Licenses are required, but fees shall not be charged for Seeing Eye dogs or governmental police dogs.

(4) Applications.

- (a) Application for licenses shall be made to the Clerk and shall include name and address of applicant, description of the animal, the appropriate fee, information as to the animal's sex and whether spayed or neutered, and a rabies certificate issued by a licensed veterinarian or anti-rabies clinic, documenting that the animal for which the license is sought has received current immunization for rabies. No discount in the license fee shall be offered for a neutered animal without proof from a licensed veterinarian that the animal being licensed has been neutered.
- (b) Application for a license must be made within 30 days after obtaining a dog or cat over 6 months of age, except that this requirement will not apply to a non-resident keeping a dog or cat within the Village for no longer than 30 days.

(5) Licenses are issued for the calendar year. Any renewal license issued after April 1 of each year shall pay an additional fee according to Wis. Stats. §174.05(5) or as set forth from time to time by resolution of the Board. No proration of fees shall be considered.

(6) Duplicate. A duplicate license may be obtained upon payment of a replacement fee, which shall be set from time to time by resolution of the Board.

(7) Census. The Village may, at its option, and at such intervals, utilizing appropriate notice to the public, employ suitable persons upon such terms and conditions as it may see fit, to make a house-to-house census and to issue licenses to owners then and there or issue citations for violation of this ordinance. The Village shall impose an additional fee for each license issued in the course of such census for an animal that should have been licensed but is not licensed at the time of said census and the additional license fee shall be set from time to time by resolution of the Village Board.

(8) Release from Impoundment. Any dog or cat which has been impounded as a result of being lost, at large, or some other reason as provided by law shall not be released to its owner until the owner can show proof of a current license. In the event that the animal is not licensed, the animal shall not be released until the owner has obtained a current license for the animal.

(9) License Tags. The Clerk, upon issuing a permit or license to keep any dog or cat, shall issue to the owner a durable tag, stamped with an identifying number. Tags should be so designed that they may be conveniently fastened to the animal's collar or harness. These tags should vary in shape or color from year to year for easy identification to animal control personnel.

(a) Dogs and cats must wear the license tags at all times when off the premises of the owners, except under any organized show or training situation.

(b) The Clerk shall maintain a record of the identifying numbers and shall make this record available to the public.

(10) Number of Licensable Pets. No more than 3 licensable pets, i.e., 2 dogs 1 cat; 3 cats; 2 cats 1 dog; etc. shall be kept on any premises within the Village of Eden. Premises shall be defined as a separate post office address. Owners having more than 3 pets at the time of this Code adoption may continue to keep such animals: however, animals exceeding the prescribed limits shall not be replaced.

(11) Restraint of Dogs. Any person owning or having charge, custody, care or control of any dog in the Village of Eden shall keep the dog inside an enclosed structure, upon an appropriate chain or tie no less than six feet in length, in an enclosed yard, whether walled or fenced, or in any other appropriate restraining enclosure. Public access to one entrance of each residence or building open to the public must be provided without interference from such animal. No tie, chain or enclosure shall allow

the dog to be within six feet of any street, sidewalk or other public way, or within six feet of any neighbor's driveway or walkway. In addition, any dog not so tied or enclosed, whether upon the owner's premises or upon the public streets and highways, shall be restrained by an appropriate leash or chain, not exceeding six feet in length, in the hands of a person directly controlling the movement of such dog, who is of sufficient strength and stature to physically control such dog.

(a) Exceptions

The following shall be excepted from the above restrictions:

1. A police dog, properly trained and directly subject to the voice control of the dog's assigned officer.
2. A seeing-eye dog owned by and within the control and voice control of its blind owner.
3. A dog that remains within the confines of the owner's or custodian's rear yard under the personal and direct supervision of the owner or custodian or other person either of whom is physically present and able to control the dog by voice command. Rear yard is defined as the yard area behind a house or other structure which is separated from all public streets and sidewalks by a residence or similar building.

(b) Seizure, Impoundment and Disposition

Any dog found or discovered running loose and untied, or not leashed as provided in this section, shall be considered a private nuisance and may be seized, restrained by physical or chemical means, and impounded by any police officer, humane officer or Village officer. The fact that a dog is licensed does not exempt the animal from the provisions of this subsection. If any such dog is so seized, restrained and impounded, the police officer, Humane officer or Village officer shall give notice as provided in Section 174.046 WIS. STATS., as amended, which section is hereby incorporated into this subsection, and if the owner claims said dog, he/she shall be liable for a Village-determined per diem or fraction thereof charge for the time in which the dog has been in the possession of the officer or Humane Society, plus the cost of notice. Said owner shall further be subject to the forfeitures and costs provided under the penalty section of this ordinance, which forfeiture shall not exceed \$500 per occurrence. If no person or owner claims the dog after such time as is allotted under WIS. STAT. § 174.046, as amended, the dog shall be disposed of by a Humane officer, police officer, Village officer or Humane Society in a proper and humane manner.

(12) Restraint of Cats. Any person owning or having charge, custody, care or control of any cat in the Village of Eden shall keep such animal exclusively upon

his/her own premises, which shall include his/her automobile, either by personal and direct supervision, such as voice command of such person physically present, or by keeping such animal upon an appropriate chain or tie no less than six feet in length, or by keeping such animal in an enclosed yard, either walled or fenced, or by keeping such animal in any other appropriate restraining enclosure. Public access to one entrance of each home or other building open to the public must be provided without interference from such animal. Such cat may be off the premises of the owner or other person having charge, custody, care or control of the cat if it is restrained by an appropriate leash or chain not exceeding six feet in length in the hands of a person directly controlling the movement of such animal.

(13) Penalty. The penalty for a violation of Section 2 or 3 of this ordinance is a forfeiture not to exceed \$500. The penalty for a violation of Section 1 of this ordinance is a forfeiture not to exceed \$100.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2007

VILLAGE OF EDEN

By: \_\_\_\_\_  
VILLAGE PRESIDENT

ATTEST:

\_\_\_\_\_  
VILLAGE CLERK